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## List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of Commerce; Correction

Section 213.3114 as published in the FEDERAL REGISTER, of May 23, 1975, FR Doc. 75-13539, on page 22533 is corrected to show that the positions of Head, Department of Nautical Science, seven Company Officers; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Special Assistant to the Superintendent; three Academy Training Representatives; and Shipboard Training Assistant, which were inadvertently omitted, are excepted under Schedule A. Section 213.3114 is further corrected to show that the positions of Head, Department of Computer Science, and Drill Activities Officers, which were listed in error, are no longer excepted under Schedule A.

Effective on July 3, 1975, § 213.3114(h) (10) and (11) are revised as set out below:

#### § 213.3114 Department of Commerce.

(h) *Maritime Administration.* \* \* \*  
(10) U.S. Merchant Marine Academy positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Shipboard Training, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; and seven Company Officers.

(11) U.S. Merchant Marine Academy positions of: the Superintendent; the Assistant Superintendent for Planning; Dean; Registrar; one Educational Specialist (Director of Admissions) and one Assistant Director of Admissions; Assistant Dean; Director, Office of External Affairs; Placement Officer; Administrative Librarian; the Special Assistant to the Superintendent; three Academy Training Representatives; and Shipboard Training Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.75-17376 Filed 7-2-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Temporary Boards and Commissions

Section 213.3199 is amended to show that the positions on the staff of the

President's Commission on Olympic Sports are excepted under Schedule A.

Effective on July 3, 1975, § 213.3199(s) is added as set out below:

#### § 213.3199 Temporary boards and commissions.

(s) *President's Commission on Olympic Sports.* (1) All positions on the staff of the Commission.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.75-17374 Filed 7-2-75;8:45 am]

### Commodity Futures Trading Commission

#### PART 213—EXCEPTED SERVICE

Section 213.3379 is amended to show that one position of Assistant to the Chairman is excepted under Schedule C.

Effective on July 3, 1975, § 213.3379(g) is added as set out below:

#### § 213.3379 Commodity Futures Trading Commission.

(g) One Assistant to the Chairman.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.75-17375 Filed 7-2-75;8:45 am]

### PART 731—SUITABILITY

#### Subpart B—Suitability Disqualifications

##### REVISED BASIS FOR DISQUALIFICATION AND DISMISSAL

A notice of proposed rule making was published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33315), for revision of the standards used to disqualify applicants for employment and for dismissing Federal employees as not suitable for Federal employment. Interested persons were given until January 2, 1974, to submit written comments, suggestions, or objections. Full and careful consideration was given to all comments received.

Some parts of the proposed regulation have been relabeled and regrouped. This results in:

(a) An "authority" section containing the authority to take adverse action.

(b) A section on "Commission determination" consisting of three subsections:

(1) A general "efficiency of the service" provision incorporating the two basic criteria relating to job performance and agency performance;

(2) A listing of specific factors to be considered as a basis for disqualification;

(3) A listing of additional factors to be considered to the extent pertinent to the individual case.

In consideration of the comments received and under the authority of section 3301 of title 5, United States Code, 5 CFR Part 731 is amended as follows:

1. Section 731.201 is revised as follows:

#### § 731.201 Authority.

Subject to Subpart C of this part the Commission may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee when the Commission determines this action will promote the efficiency of the service.

2. Section 731.202 is added as follows:

#### § 731.202 Commission determination.

(a) *General.* In determining whether its action will promote the efficiency of the service, the Commission shall make its determination on the basis of:

(1) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance in the position applied for or employed in; or

(2) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance by the employing agency of its duties and responsibilities.

(b) *Specific factors.* Among the reasons which may be used in making a determination under paragraph (a) of this section, any of the following reasons may be considered a basis for disqualification:

(1) Delinquency or misconduct in prior employment;

(2) Criminal, dishonest, infamous or notoriously disgraceful conduct;

(3) Intentional false statement or deception or fraud in examination or appointment;

(4) Refusal to furnish testimony as required by § 5.3 of this chapter;

(5) Habitual use of intoxicating beverages to excess;

(6) Abuse of narcotics, drugs, or other controlled substances;

(7) Reasonable doubt as to the loyalty of the person involved to the Government of the United States; or

(8) Any statutory disqualification which makes the individual unfit for the service.

(c) *Additional considerations.* In making its determination under paragraph



(a) of this section, the Commission shall consider the following additional factors to the extent that these factors are deemed pertinent to the individual case:

(1) The kind of position for which the person is applying or in which the person is employed, including its sensitivity;

(2) The nature and seriousness of the conduct;

(3) The circumstances surrounding the conduct;

(4) The recency of the conduct;

(5) The age of the applicant or appointee at the time of the conduct;

(6) Contributing social or environmental conditions;

(7) The absence or presence of rehabilitation or efforts toward rehabilitation.

§§ 731.301-731.304, 731.401

[Amended]

3. In Subpart C, §§ 731.301, 731.302, 731.303, and 731.304, and in Subpart D, § 731.401, are amended to reflect the above changes, by changing all references to "§ 731.201" to read "§ 731.202."

(5 U.S.C. 3301, 3302, 7301; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218, E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.75-17373 Filed 7-2-75;8:45 am]

## Title 7—Agriculture

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 17, Amdt. 2]

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### Maturity Requirements

This amendment revises the maturity requirements for specified varieties of avocados. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after

publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are regulated pursuant to Avocado Regulation 17, as amended (40 FR 24006; 26501), which became effective June 9, 1975, and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1976. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on June 24, 1975; such meeting was held to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set

forth so as to provide for appropriate regulation of the handling of such avocados; and it relieves restrictions by permitting shipment of Dr. DuPuis No. 2, Fuchs and Hardee avocados of specified minimum weights or diameters about eleven days sooner than is now permitted under the amended regulation.

(3) The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area resulted in a very early bloom and earlier maturity of avocados. Maturity studies on such varieties completed recently indicate that avocados of such varieties are now mature at hereinafter specified dates, minimum weights or diameters. Dr. DuPuis No. 2, Fuchs and Hardee avocados of the specified weights or diameters for the periods hereinafter set forth will be mature, and fruit meeting such specifications is acceptable in the markets.

**Order.** The provisions of paragraph (a) (2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501) are amended by revising in Table I dates, minimum weights or diameters applicable to the Dr. DuPuis No. 2, Fuchs and Hardee varieties, so that after such revisions the portion of Table I relating to such varieties of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dr. DuPuis No. 2.....	6-23-75	16 oz. 3 <sup>3</sup> / <sub>16</sub> in.	6-27-75	14 oz. 3 <sup>7</sup> / <sub>16</sub> in.	7- 7-75	12 oz. 3 <sup>3</sup> / <sub>16</sub> in.	7-21-75
Fuchs.....	6-23-75	14 oz. 3 <sup>3</sup> / <sub>16</sub> in.	6-27-75	12 oz. 3 <sup>3</sup> / <sub>16</sub> in.	7-21-75	10 oz. 2 <sup>1</sup> / <sub>16</sub> in.	8-11-75
Hardee.....	6-27-75	16 oz. 3 <sup>3</sup> / <sub>16</sub> in.	7- 7-75	14 oz. 2 <sup>1</sup> / <sub>16</sub> in.	8- 4-75		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 27, 1975, to become effective June 27, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17253 Filed 7-2-75;8:45 am]

## Title 12—Banks and Banking

### CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

#### SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

#### PART 308—RULES OF PRACTICE AND PROCEDURE

##### Subpart E—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

1. Section 10(c) of the Federal Deposit Insurance Act (18 U.S.C. § 1820(c)) provides that in connection with examinations of insured banks, and affiliates thereof, the appropriate Federal banking agency, or its designated representatives, shall have the power to administer oaths and affirmations and to examine and to take and preserve testimony under oath as to any matter in respect of the affairs

or ownership of any such bank or affiliate thereof, and to issue subpoenas and subpoenas duces tecum. The Board of Directors of the Federal Deposit Insurance Corporation has decided to issue rules and procedures applicable to proceedings pursuant to section 10(c) to formalize already existing practices and to give guidance to those persons who may be subject to a proceeding pursuant to section 10(c).

2. The regulation would apply to any insured State nonmember bank where the Board of Directors or its designees determine that in aid of and supplementary to a regular examination, subpoenas should be issued and formal testimony should be taken. The regulation would also be applicable to special examinations of insured State member banks, national or district banks, or to examinations of any closed insured banks.

Unless otherwise provided for under the regulation, a proceeding pursuant to section 10(c) will be confidential. Since such proceedings are part of the examination process, all files, records and other information pertaining thereto and in the custody of the Federal Deposit Insurance Corporation will be treated as exempt from the mandatory public disclosure provisions of the Freedom of In-



formation Act in accordance with the express provisions of subsection (b) (8) of that Act (5 U.S.C. 552(b) (8)). All such information shall be disclosed only in accordance with the procedures set forth in Part 309 of the Federal Deposit Insurance Corporation's rules and regulations.

A proceeding will be conducted only after the issuance of an order initiating such a proceeding either by the Board of Directors of the Federal Deposit Insurance Corporation or its designees. The order will designate the person or persons authorized to conduct such a proceeding.

The regulation sets forth the rights of a witness required to testify under oath and pursuant to subpoena and provides inter alia a right to see the order initiating such a proceeding and to be accompanied by counsel during testimony. A witness testifying shall be entitled to procure a copy of his testimony and any documentary evidence submitted by him. The regulation also sets forth the mode and method of service of subpoenas and the payment of witness fees.

3. The new Subpart E of Part 308 of the rules of practice and procedures reads as follows:

**Subpart E—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act**

Sec.

- 308.42 Scope.
- 308.43 Confidential Proceedings.
- 308.44 Orders to Conduct Proceedings.
- 308.45 Rights of Witness.
- 308.46 Transcripts.
- 308.47 Service of Subpoena.
- 308.48 Witness Fees and Mileage.
- 308.49 Special Examinations.

**§ 308.42 Scope.**

The procedures in this part shall be followed in connection with the exercise of those powers specified in section 10(c) of the Federal Deposit Insurance Act. For purposes of this Part, the exercise of any and all such powers shall be referred to as "proceedings pursuant to section 10(c)." This term shall also be used to refer to any proceedings conducted pursuant to the exercise of such powers. Proceedings pursuant to section 10(c), which may be conducted by the Federal Deposit Insurance Corporation, or its designated representative in connection with examinations of insured State nonmember banks or their affiliates, include the power to administer oaths and affirmations and to examine and to take and preserve testimony under oath as to any insured bank or affiliate thereof, and to issue subpoenas and subpoenas duces tecum, and, for the enforcement thereof, to apply to the United States District Court for the judicial district or the United States court in any territory in which the main office of the bank or affiliate thereof is located, or in which the witness resides or carries on business.

**§ 308.43 Confidential Proceedings.**

Unless otherwise provided by § 308.45 (c) of this Part, all proceedings pursuant to section 10(c) shall be confidential. Information or documents obtained by

the Corporation in the course of such proceedings shall be disclosed only in accordance with the provisions for disclosure of such information established by Part 309.

**§ 308.44 Orders To Conduct Proceedings.**

A proceeding pursuant to section 10(c) shall be conducted only after the issuance of an order authorizing such proceeding. The order shall designate the person or persons duly authorized to conduct the proceeding, which persons are authorized, among other things, to issue subpoenas and subpoenas duces tecum, to administer oaths, and receive affirmations as to any matter under examination by the Federal Deposit Insurance Corporation. Such order may be issued by the Board of Directors, the General Counsel or his designee, the Director of the Division of Bank Supervision or his designee, or each Regional Director, provided that powers relating to the issuance of subpoenas and subpoenas duces tecum and the enforcement thereof shall not be exercised by Regional Directors without prior approval of the Director of the Division of Bank Supervision and the concurrence of the General Counsel. Upon application and, for good cause shown, the Board of Directors, or the person issuing such order, may limit, quash, modify, or withdraw such order.

**§ 308.45 Rights of Witness.**

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under examination in a proceeding pursuant to section 10(c) shall upon request be shown the order initiating such a proceeding.

(b) Any person who, in a proceeding pursuant to section 10(c), is compelled to appear and testify or who appears and testifies by request or permission of the Federal Deposit Insurance Corporation may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present with him at all times while testifying and to have this attorney (1) advise such person before, during and after the conclusion of his testimony, (2) question such person briefly at the conclusion of his testimony to clarify any of the answers such person has given, and (3) make summary notes during such testimony solely for the use of such person.

(c) All persons giving testimony in a proceeding pursuant to section 10(c), shall be sequestered, and unless permitted in the discretion of the designated representative conducting the proceeding, no such person or the counsel accompanying any such person shall be permitted to be present at the testimony of any other person.

(d) If the record developed by the Federal Deposit Insurance Corporation in the course of such proceeding contains allegations of wrongdoing by any

person with respect to the affairs or ownership of any insured State nonmember bank or affiliate thereof, such person shall be advised of the nature of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency and with the avoidance of undue delay, to produce evidence in rebuttal. Such evidence may be in documentary form, including depositions and statements under oath, or it may consist of testimony given before the designated representative conducting such a proceeding. All such evidence shall be made of the record developed in the course of the proceeding pursuant to section 10(c).

(e) The designated representative conducting the proceeding pursuant to section 10(c) shall report to the Board of Directors of the Federal Deposit Insurance Corporation any instances where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the course of the proceeding or any other instance involving a violation of these rules. The Board of Directors will thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual or individuals from further participation in the particular proceedings.

**§ 308.46 Transcripts.**

Transcripts of testimony, if any, shall be recorded solely by the official reporter, or by any other person or means chosen by the person or persons conducting the proceeding pursuant to section 10(c). A person submitting documentary evidence or testimony shall be entitled to procure a copy of his documentary evidence or a copy of the transcript, if any, of his testimony.

**§ 308.47 Service of Subpoena.**

Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and the mileage as specified by § 308.48 of this part. When the subpoena is issued at the instance of a duly designated representative of the Federal Deposit Insurance Corporation, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or, if there is no one in charge, leaving them in a conspicuous place therein; or leaving them at his dwelling place or usual place of abode with some person of suitable age or discretion or residing therein, or by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service or to any officer, director, or



agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

#### § 308.48 Witness Fees and Mileage.

Witnesses summoned before the Federal Deposit Insurance Corporation shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

#### § 308.49 Special Examinations.

When proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank or any national or district bank, or the examination of any closed insured bank, the procedures in this Part shall be followed.

4. Inasmuch as these amendments are procedural in nature, the Corporation's Board of Directors found that no purpose would be served by following the provisions of section 553(b) of Title 5 of the United States Code and §§ 302.1 and 302.2 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, and public participation.

The effective date of this amendment shall be 30 days following publication in the FEDERAL REGISTER.

By order of the Board of Directors  
June 27, 1975.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] ALAN R. MILLER,

*Executive Secretary.*

[FR Doc.75-17324 Filed 7-2-75;8:45 am]

### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2671]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### The New You, Inc., et al.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages, or connections; § 13.15-225 Personnel or staff; § 13.15-250 Qualifications and abilities; § 13.15-280 Unique or special status or advantage; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-24 Cosmetic or beautifying; § 13.170-30 Durability or permanence; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.170-63 Non-toxic; § 13.170-78 Renewing, restoring; § 13.190 Results; § 13.195 Safety; § 13.195-60 Product; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Contracting for sale in any form binding on buyer prior to specified time; § 13.527

Contracting for sale evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45 (a) Advertising substantiation; § 13.533-45 (k) Records, in general; § 13.533-53 Recall of merchandise advertising material, etc.; § 13.533-55 Refunds, rebates, and/or credits. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications. —Goods: § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52).

*In the matter of The New You, Inc., a Corporation, Doing Business as The New You, and The New You Clinic De Facial, and Robert M. Neadel, Individually and as an Officer of Said Corporation.*

Consent order requiring a Hollywood, Fla., promoter of an inherently dangerous process or treatment, involving application of a caustic chemical solution on the faces and other parts of the bodies of customers, among other things to cease misrepresenting the safety, efficacy and cost of the treatments; to clearly and conspicuously disclose the health hazards involved in the application of the process or treatment as well as the limited efficacy of the treatment; to use a licensed medical practitioner to examine, diagnose, advise, select or mentally prepare prospective patients, to supervise and direct administrations or applications of the treatment, and to provide post-operative advice or care for the patients; and to require prospective patients to consult with and obtain a certificate from an independent physician prior to treatment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: <sup>1</sup>

#### ORDER

*It is ordered,* That respondents, The New You, Inc., a corporation, doing business as The New You Clinic de Facial or any other trade name or names, its successors and assigns, and Robert M. Neadel, individually and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respon-

dents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or dispensing of The New You treatment (hereinafter sometimes referred to as respondents' treatment) or any similar cosmetic chemosurgical process of face lifting or skin peeling, which involved the topical application of a caustic chemical solution containing carbolic acid (also known as phenol) or other substances on the face, neck, arms, hands or other parts of the human body for the purpose of inducing superficial skin burns, the result of which is the peeling or removal of the outer layers of skin, in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a) (1) of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. Respondents' treatment or process is solely a cosmetic process, not a medical process, or does not involve chemical surgery.

2. Respondents' treatment or process is painless or involves no abrasives or caustic chemicals.

3. Potential discomfort is virtually non-existent as one can relax without emotional or physical distress during the treatment.

4. Respondents' treatment is safe or free from possible serious side effects or complications.

5. Respondents' treatment or process will remove or significantly reduce acne scars, big pores, deep lines, deep wrinkles, or sagging, redundant folds of skin.

6. Respondents' treatment will produce or result in new, soft, fresh, clear, healthy, fine textured skin.

7. Respondents' process can be clinically recommended to or safely or successfully performed on men, young people, elderly people, or dark-skinned people.

8. Respondents' personnel are competently trained and qualified to: (a) examine, advise, and mentally prepare patients to undergo the treatment; (b) determine whether each patient is a proper subject for treatment; (c) administer or perform treatment without direction and supervision of a licensed medical practitioner; and (d) provide post-operative advice and care for patients.

9. Respondents' treatment is complete within any specified period of time.

10. Respondents' treatment will cause clients to appear any specified number of years younger than their actual chronological age.

11. Respondents' process is unique, new or special in the following or other ways:

a. That it involves a secret formula or secret solution;

b. That it or similar processes are only available through respondents; and

c. That it is not available through qualified plastic surgeons under more

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.



closely controlled hospital conditions in metropolitan areas across the country at a substantially lower cost.

B. Failing or refusing to make clear and conspicuous disclosures in all advertising and in all oral sales presentations, that:

1. The treatment is chemical skin-peeling, a serious medical procedure known as chemosurgery.

2. The treatment involves the application of an acid called phenol to the skin, causing a second-degree burn which peels off the outer layers of the skin and produces a change in skin appearance solely by the body's own wound-healing reactions.

3. The pain associated with the treatment can be very severe; thus patients are sedated or anesthetized during the application of acid. This pain, as well as other discomforts, such as burning, itching, and swollen shut eyes, may persist for days or weeks afterward, requiring medication to control.

4. The treatment has a number of known inherent dangers, including: (a) poisoning of a person's entire system by the acid absorbed through the skin, which can be a serious, even fatal illness; (b) infection; (c) blindness, if the acid gets into a patient's eyes; (d) permanent scarring; and (e) other complications resulting from the traumatic nature of the procedure or the medications used.

5. A number of undesirable changes in the skin result from chemical skin-peeling, necessitating the continual use of cosmetics or medical techniques to protect, treat, or camouflage the skin. These may include: (a) permanent scarring; (b) changes in overall color of the treated area; (c) mottling; (d) a line of demarcation at edge of the treated area; (e) extreme redness; (f) abnormal sensitivity to sunlight; and (g) other traumatic skin reactions.

6. The most common sign of aging in the neck area, which is a stringy or "turkey-neck" condition of the skin and underlying tissues, is not improved by chemical skin-peeling.

7. Almost all plastic surgeons refuse to perform chemical skin-peeling on the neck because the neck is not likely to be improved by the process and is more likely to be worsened since the risks of undesirable side effects and skin changes described above are greater.

8. Only minor aspects of skin appearance, such as fine wrinkles and some skin blemishes, can be treated by the process.

9. Acne scars, big pores, deep lines, deep wrinkles, and sagging or redundant folds of skin are not removed or significantly reduced by the process, yet some of these conditions may be improved by other techniques of plastic surgery, such as dermabrasion or surgical face lift.

10. Most men are not advised to undergo the process because of difficulties associated with beard growth and the necessity for continual use of cosmetics.

11. A young person whose skin has not matured should not undergo the process, because of the risk of permanent skin damage.

12. Dark-skinned persons should not undergo the process because of the probability of drastic pigmentation changes.

13. Only certain kinds of people with certain types of skin have a reasonable chance of receiving favorable results and avoiding adverse effects from chemical skin-peeling, and only a licensed medical practitioner familiar with such techniques of plastic surgery and able to evaluate complex physical, mental and emotional factors is qualified to examine, diagnose, advise, select, or mentally prepare patients for chemical skin peeling, and only such a professional person can provide post-operative advice and care for patients.

14. Although a treatment of this serious nature is usually performed in a hospital, respondents' treatment is given at a clinic, which they own or operate.

15. It may be weeks or months after the treatment before the skin is healed, during which time a treated person has an extremely red face, may suffer various discomforts, and must restrict public activities, avoid direct or reflected sunlight and use heavy cosmetics and sun screens.

16. If a more youthful appearance is achieved through the treatment, the results may not last more than a year or two, since part of the benefit is due to temporary swelling and since the natural aging processes begin all over again after the treatment.

17. Chemical skin-peeling is available from qualified plastic surgeons under closely controlled hospital conditions in metropolitan areas across the country at substantially lower cost.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement and each presentation used in connection with the advertising, offering for sale, sale, or dispensing of respondents' cosmetic process, and shall devote no less than fifteen percent of each advertisement or presentation to such disclosures. Provided, however, that in advertisements which consist of less than forty-eight column inches in newspapers or periodicals, and in radio or television advertisements with a running time of two minutes or less, respondents may substitute the following statement, in lieu of the above requirements:

**WARNING:** This is a medical procedure—basically a chemical burn which peels skin away. It is extremely painful, takes a long time to heal, and exposes a person to risks of poisoning, infection, permanent scarring, and other medical complications. If performed on the neck, the process may make it look worse. Many signs of aging are not improved by this process, and the benefit, if any, is mainly temporary. Only certain kinds of people can benefit from this process, and they should be diagnosed, selected, treated, and continually cared for by a qualified doctor under closely controlled medical conditions. (Statement required by order of the Federal Trade Commission.)

Respondents shall set forth the above disclosure separately and conspicuously from the balance of each advertisement, stating nothing to the contrary or in mit-

igation thereof, and shall devote no less than fifteen percent of each advertisement to such disclosure, and if such disclosure is made in print, it shall be in at least eleven-point type.

*It is further ordered,* That respondents:

1. Recall and retrieve, from each and every licensee and sales representative, all advertisements and materials upon which advertisements or oral sales presentations are based, which contain any of the representations prohibited by PARAGRAPH A of this order or which fail to make the disclosures required by PARAGRAPH B.

2. Deliver a copy of this order to each present and future franchisee, licensee, and sales representative, and to each licensed medical practitioner associated with respondents or their licensees; and obtain a written acknowledgement from each of the receipt thereof.

3. Obtain from each present and future franchisee, licensee, or sales representative an agreement in writing (a) to abide by the terms of this order, and (b) to the cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this order.

*It is further ordered,* That respondents:

1. Provide prospective and present patients, as soon as possible after initial sales contact is made with such person and before such person signs any document relating to respondents' process, an information sheet which shall be furnished to the prospective patient and which contains nothing but the disclosures, numbered 1 to 17, set forth in PARAGRAPH B. Respondents shall allow these persons ample, uninterrupted opportunity to read and consider the contents of this information sheet. Respondents shall retain a copy of this information sheet, after it is signed and dated by the person, for a period of two (2) years.

2. Require that each such prospective patient, after receipt of the information sheet described above and before he or she signs any contract for respondents' treatment, consult with a licensed physician, who is not in any way associated with or recommended by the respondents, regarding the nature of chemical skin-peeling, its dangers, discomforts, limitations, and alternatives. Respondents shall obtain from each prospective patient a certificate, signed by the physician who was thus consulted, specifying that the physician:

a. Understands what respondents' treatment is and the conditions under which it will be performed;

b. Has explained to the prospective patient the nature of the treatment, its dangers, discomforts, limitations, and alternatives;

c. Has conducted or has examined the results of tests appropriate to determine prospective patient's physical fitness to undergo respondents' treatment and has



discussed these results with the prospective patient; and

d. Has reviewed appropriate aspects of the prospective patient's medical history and has discussed these aspects with the prospective patient.

This certificate shall specify the date and approximate time of the consultation, and respondent shall retain all such certificates for three (3) years.

*It is further ordered,* That no contract for respondents' process shall become binding on the patient prior to forty-eight hours after the patient has consulted with the physician who will direct and supervise the performing of the treatment and inspected and approved the treatment and recuperation facilities, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument signed by the patient, that the purchaser may rescind or cancel any obligation incurred, with return of all monies paid, by mailing or delivering a notice of cancellation to the respondents' place of business prior to the end of this period.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall return to such patient, within forty-eight hours after receipt of notice of cancellation, all monies paid.

4. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to the time the patient is treated.

*It is further ordered,* That respondents cease and desist from the following unfair practice:

1. Failing or refusing to use a licensed medical practitioner, who is familiar with such techniques of plastic surgery, who is operating within the limits of his or her profession, and who is qualified to evaluate complex physical, mental and emotional factors, to examine, diagnose, advise, select, or mentally prepare all prospective patients for chemical skin-peeling, to supervise and direct all administrations or applications of the treatment, and to provide post-operative advice or care for all such patients.

*It is further ordered,* That respondents maintain at all times in the future, for a period of not less than three (3) years, complete business records relative to the manner and form of their continuing compliance, with the above terms and provisions of this order.

*It is further ordered,* That the corporate respondent notify the Commission at least thirty (30) days prior to any proposed change in said respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of this order.

*It is further ordered,* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission June 2, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-17367 Filed 7-2-75;8:45 am]

#### Title 20—Employees' Benefits

### CHAPTER 00—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED Utilization Review; Deferral of Effective Date

This notice defers, until July 30, 1975, the effective date of certain regulatory provisions published November 29, 1974 (39 FR 41604, 41610) governing the requirement for admission review in hospitals under the Medicare and Medicaid programs.

On May 27, 1975, the United States District Court for the Northern District of Illinois in the case of *American Medical Association v. Weinberger*, Civil Action No. 75 C 560, issued a preliminary injunction pending a final disposition on the merits of the action, prohibiting the Department from enforcing or implementing 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a) (1) (viii). The Department has noticed and is pursuing an appeal from the injunction. The Department also applied to the United States Court of Appeals for the Seventh Circuit for a stay of the preliminary injunction. On June 30, 1975, the Court of Appeals denied the Department's application for a stay of the District Court's order pending appeal.

In view of the Court of Appeals decision not to stay the District Court's order prohibiting the implementation of these regulatory provisions at this time, we will delay enforcement and implementation of these provisions until the Court of Appeals rules on the Department's appeal from the District Court's order. We anticipate a ruling very shortly, since the oral argument is scheduled for July 10. Accordingly, notice is hereby given that the effective date of 20 CFR 405.1035 (e)

and (f) and 45 CFR 250.19(a) (1) (viii) is delayed until July 30, 1975.

NOTE: This document also appears in the Rules and Regulations section of this issue under Title 45.

Dated: July 1, 1975.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc.75-17457 Filed 7-2-75;8:45 am]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER D—DRUGS FOR HUMAN USE

#### PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

#### Certification Services and Fee Collection

The Commissioner of Food and Drugs is amending "Part 431—Certification of Antibiotic Drugs" (21 CFR Part 431) to reflect the organizational name change from Certification Services Staff (HFD-145) to Certification Services Branch (HFD-332) and to change the address for the collection of fees rendered with respect to batch certification of antibiotic drugs and insulin, effective July 3, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 431 is amended in Subpart B as follows:

#### § 431.50 [Amended]

1. In § 431.50 *Forms for certification or exemption of antibiotic drugs*, in the first sentence, by changing "Certification Services Staff (HFD-145)" to read "Certification Services Branch (HFD-332)."

2. In § 431.53 by revising paragraph (h) to read as follows:

#### § 431.53 Fees.

(h) All deposits and fees required by the regulations in this chapter shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible, at par at Washington, DC. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Accounting Operations Branch (HFA-120), 5600 Fishers Lane, Rockville, MD 20852, whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

Since these amendments merely reflect an organizational name and address change, notice and public procedure and delayed effective date are not prerequisites for their promulgation.

*Effective date.* This order shall be effective July 3, 1975.



(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: June 27, 1975.

MARY A. McENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of Drugs.  
[FR Doc.75-17340 Filed 7-2-75;8:45 am]

## Title 23—Highways

### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER C—CIVIL RIGHTS

#### PART 230—EXTERNAL PROGRAMS

Heretofore highway construction contract equal employment opportunity requirements have been set forth in a variety of Federal Highway Administration directives which are now consolidated in a single directive, Volume 6, Chapter 4, Section 1, Subsection 2 of the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations of States which must be complied with to obtain Federal assistance, and other portions impose obligations on Federal and Federal-aid highway contractors and subcontractors, those portions are hereby published.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a) (2), therefore general notice of proposed rulemaking is not required.

Issued on June 26, 1975.

Effective date: June 26, 1975.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

The following Part 230 is added to 23 CFR Chapter I:

#### Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

Sec.	
230.101	Purpose.
230.103	Definitions.
230.105	Applicability.
230.107	Policy.
230.109	Implementation of Specific Equal Employment Opportunity Requirements.
230.111	Implementation of Special Requirements for the Provision of On-the-Job Training.
230.113	Implementation of Supportive Services.
230.115	Special Contract Requirements for "Hometown" or "Imposed" Plan Areas.
230.117	Reimbursement Procedures (Federal-aid Highway Construction Projects only).
230.119	Monitoring of Supportive Services.
230.121	Reports.

#### APPENDIX A—SPECIAL PROVISIONS

#### APPENDIX B—TRAINING SPECIAL PROVISIONS

#### APPENDIX C—FEDERAL-AID HIGHWAY CONTRACTORS MONTHLY EEO REPORT (FORM PR-1391)

#### APPENDIX D—FEDERAL-AID HIGHWAY CONSTRUCTION SUMMARY OF EMPLOYMENT DATA (FORM PR-1392)

#### APPENDIX E—FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS QUARTERLY REPORT (FORM FHWA-1409)

#### APPENDIX F—FEDERAL-AID HIGHWAY CONSTRUCTION QUARTERLY TRAINING REPORT (FORM FHWA-1410)

#### APPENDIX G—SPECIAL CONTRACT REQUIREMENTS FOR "HOMETOWN" OR "IMPOSED" PLAN AREAS

AUTHORITY: 23 U.S.C. 140 and 315; E.O. 11246; 49 CFR 1.48(b) 24.

#### Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

##### § 230.101 Purpose.

The purpose of the regulations in this subpart is to prescribe the policies, procedures, and guides relative to the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts, except for those contracts awarded under 23 U.S.C. 117, and to the preparation and submission of reports pursuant thereto.

##### § 230.103 Definitions.

For purposes of this subpart—  
"Administrator" means the Federal Highway Administrator.

"Areawide Plan" means an affirmative action plan to increase minority utilization of crafts in a specified geographical area pursuant to Executive Order 11246, and taking the form of either a "Hometown" or an "Imposed" plan.

"Bid Conditions" means contract requirements which have been issued by OFCC for purposes of implementing a Hometown Plan.

"Division Engineer" means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

"Division Equal Opportunity Officer" means an individual with staff level responsibilities and necessary authority by which to operate as an Equal Opportunity Officer in a Division office. Normally the Equal Opportunity Officer will be a full-time civil rights specialist serving as staff assistant to the Division Engineer.

"Hometown Plan" means a voluntary areawide plan which was developed by representatives of affected groups (usually labor unions, minority organizations, and contractors), and subsequently approved by the Office of Federal Contract Compliance (OFCC), for purposes of implementing the equal employment opportunity requirements pursuant to Executive Order 11246, as amended.

"Imposed Plan" means an affirmative action requirement for a specified geographical area made mandatory by OFCC and, in some areas, by the courts.

"Journeyman" means a person who is capable of performing all the duties within a given job classification or craft.

"State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency."

"Suggested Minimum Annual Training Goals" means goals which have been assigned to each State highway agency annually for the purpose of specifying training positions on selected Federal-aid highway construction projects.

"Supportive Services" means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of actual on-the-job craft training.

"Trainee" means a person who received on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA.

##### § 230.105 Applicability.

(a) *Federal-Aid Highway Construction Projects.* This subpart applies to all Federal-aid highway construction projects and to Appalachian highway construction projects and other State supervised cooperative highway construction projects except:

(1) Federal-aid highway construction projects being constructed pursuant to 23 U.S.C. 117; and

(2) Those projects located in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or a "Hometown" Plan, except for those requirements pertaining to specific provisions involving on-the-job training and those provisions pertaining to supportive services and reporting requirements.

(b) *Direct Federal Highway Construction Projects.* This subpart applies to all direct Federal highway construction projects except:

(1) for those provisions relating to the special requirements for the provision of supportive services; and

(2) for those provisions relating to implementation of specific equal employment opportunity requirements in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or "Hometown" plan.

##### § 230.107 Policy.

(a) *Direct Federal and Federal-aid Highway Construction Projects.* It is the



policy of the FHWA to require that all direct Federal and Federal-aid highway construction contracts include the same specific equal employment opportunity requirements. It is also the policy to require that all direct Federal and Federal-aid highway construction subcontracts of \$10,000 or more (not including contracts for supplying materials) include these same requirements.

(b) *Federal-Aid Highway Construction Projects.* It is the policy of the FHWA to require full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. Moreover, it is the policy of the Federal Highway Administration to encourage the provision of supportive services which will increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects.

#### § 230.109 Implementation of Specific Equal Employment Opportunity Requirements.

(a) *Federal-Aid Highway Construction Projects.* (1) The special provisions set forth in Appendix A shall be included in the advertised bidding proposal and made part of the contract for each contract and each covered Federal-aid highway construction subcontract.

(b) *Direct Federal Highway Construction Projects.* Advertising, award and contract administration procedures for direct Federal highway construction contracts shall be as set forth in Federal Procurement Regulations (41 CFR 1-12.805). In order to obtain information required by 41 CFR 1-12.805-1(d), the following requirement shall be included at the end of the bid schedule in the proposal and contract assembly:

I expect to employ the following firms as subcontractors on this project: (Naming subcontractors at this time does not constitute a binding commitment on the bidder to retain such subcontractors, nor will failure to enter names affect the contract award):

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

#### § 230.111 Implementation of Special Requirements for the Provision of On-the-Job Training.

(a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the "Training Special Provisions" (Appendix B) and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in § 230.111(c). The "Training Special Provisions" shall supersede section 7(b) of the Special Provisions (Appendix A) entitled "Specific Equal Employment Opportunity Responsibilities." Minor wording revisions will be required to the "Training Special Provisions" in areas having "Hometown" or "Imposed Plan" requirements.

(b) The Washington Headquarters shall establish and publish annually suggested minimum training goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of training slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the Administrator of the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what training goals are considered to be realistic based on the information submitted by a State.

(c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of trainees to be provided training therein:

- (1) Availability of minorities, women, and disadvantaged for training.
- (2) The potential for effective training.
- (3) Duration of the contract.
- (4) Dollar value of the contract.
- (5) Total normal work force that the average bidder could be expected to use.
- (6) Geographic location.
- (7) Type of work.
- (8) The need for additional journeymen in the area.
- (9) Recognition of the suggested minimum goal for the State.

(10) A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

(d) Training programs which are established shall be approved only if they meet the standards set forth in Appendix B with regard to:

- (1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.
- (2) The development of full journeymen.
- (3) The minimum length and type of training.
- (4) The minimum wages of trainees.
- (5) Trainees certifications.
- (6) Keeping records and furnishing reports.

(e) (1) Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division engineer with a recommendation for approval.

(2) Employment pursuant to training programs approved by the FHWA division engineer will be exempt from the minimum wage rate provisions of section 113 of Title 12, U.S.C. Approval, however, shall not be given to training programs which provide for employment of trainees at wages less than those required by the Special Training Provisions. (Appendix B.)

(f) (1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA division engineer. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.

(2) Other training programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the formal approval of the State highway agency or the division engineer provided:

(i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of trainee wage rates in lieu of prevailing wage rates.

(ii) They are reasonably calculated to qualify the average trainees for journeyman status in the classification concerned by the end of the training period.

(iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.

(g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on training to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:

(1) The number of training positions shall continue to be specified in the Special Training Provisions. Furthermore, this number should be converted into an estimated number of hours of training which is to be used in arriving at the total bid price for the training item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;

(2) A section concerning the method of payment should be included in the Special Training Provisions. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a substantial part of the overall training. Furthermore, the trainee must be concurrently employed on a federally aided highway construction project subject to the Special Training Provisions attached to this directive. Reimbursement for offsite training may only be made to the contractor where he does one or more of the following: Contributes to the cost of the training, provides



the instruction to the trainee, or pays the trainee's wages during the offsite training period;

(3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

(4) A State highway agency can specify training standards provided any prospective bidder can use them, the training standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

**§ 230.113 Implementation of Supportive Services.**

(a) The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C. 140(b), for the provision of supportive services in support of training programs approved under this directive. Funds made available to implement this paragraph shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this section.

(b) In determining the types of supportive services to be provided which will increase the effectiveness of approved training programs, State highway agencies shall give preference to the following types of services in the order listed:

(1) Services related to recruiting, counseling, transportation, physical examinations, remedial training, with special emphasis upon increasing training opportunities for members of minority groups and women;

(2) Services in connection with the administration of on-the-job training programs being sponsored by individual or groups of contractors and/or minority groups and women's groups;

(3) Services designed to develop the capabilities of prospective trainees for undertaking on-the-job training;

(4) Services in connection with providing a continuation of training during periods of seasonal shutdown;

(5) Followup services to ascertain outcome of training being provided.

(c) State highway agencies which desire to provide or obtain supportive services other than those listed above shall submit their proposals to the Federal Highway Administration for approval. The proposal, together with recommendations of the division and regional offices shall be submitted to the Administrator for appropriate action.

(d) When the State highway agency provides supportive services by contract, formal advertising is not required by the FHWA, however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with contractors, unions (if appropriate), minority and

women groups, minority and women trainees, and other persons or organizations whose cooperation and assistance will contribute to the successful performance of the contract work.

(e) In the selection of contractors to provide supportive services, State highway agencies shall make conscientious efforts to search out and utilize the services of qualified minority or women organizations, or minority or women business enterprises.

(f) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:

(1) A statement that a primary purpose of the supportive services is to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects.

(2) A clear and complete statement of the services to be provided under the contract, such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment and transportation, followup procedures, etc.;

(3) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in FHWA Form PR-1273, and a statement of nondiscrimination in employment because of race, color, religion, national origin or sex;

(4) The establishment of a definite period of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;

(5) Reporting requirements pursuant to which the State highway agency will receive monthly or quarterly reports containing sufficient statistical data and narrative content to enable evaluation of both progress and problems;

(6) The basis of payment;

(7) An estimated schedule for expenditures;

(8) The right of access to contractor and subcontractor records and the right to audit shall be granted to authorize State highway agency and FHWA officials;

(9) Noncollusion certification;

(10) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract;

(11) A termination clause.

(g) The State highway agency is to furnish copies of the reports received under paragraph (b)(5) of this section, to the division office.

**§ 230.115 Special Contract Requirements for "Hometown" or "Imposed" Plan Areas.**

Direct Federal and Federal-aid contracts to be performed in "Hometown" or "Imposed" Plan areas will incorporate the special provision set forth in Appendix G.

**§ 230.117 Reimbursement Procedures (Federal-Aid Highway Construction Projects Only).**

(a) *On-the-job special training provisions.* (1) State highway agencies will be reimbursed on the same pro-rata basis as the construction costs of the Federal-aid project.

(b) *Supportive services.* (1) The State highway agency must keep a separate account of supportive services funds since they cannot be interchanged with regular Federal-aid funds. In addition, these funds may not be expended in a manner that would provide for duplicate payment of Federal or Federal-aid funds for the same service.

(2) Where a State highway agency does not obligate all its funds within the time specified in the particular year's allocation directive, the funds shall revert to the FHWA Headquarters Office to be made available for use by other State highway agencies, taking into consideration each State's need for and ability to use such funds.

**§ 230.119 Monitoring of Supportive Services.**

Supportive services procured by a State highway agency shall be monitored by both the State highway agency and the division office.

**§ 230.121 Reports.**

(a) Employment reports on Federal-aid highway construction contracts not subject to "Hometown" or "Imposed" plan requirements.

(1) Paragraph 10c of the special provisions (Appendix A) sets forth specific reporting requirements. FHWA Form PR-1391, Federal-Aid Highway Construction Contractors monthly EEO Report, (Appendix C) and FHWA Form PR 1392, Federal-Aid Highway Construction Summary of Employment Data (including minority breakdown) for all Federal-Aid Highway Projects for month ending July 31st, 19 , (Appendix D) are to be used to fulfill these reporting requirements.

(2) Form PR 1391 is to be completed by each contractor and each subcontractor subject to this directive for the first three months after construction begins and for every month of July during which work is performed, and submitted to the State highway agency. A separate report is to be completed for each covered contract or subcontract. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month. The State highway agency is to forward a single copy of each report to the FHWA division office.

(3) Form PR 1392 is to be completed by the State highway agencies, summarizing the reports on PR 1391 for the month of July received from all active contractors and subcontractors. Three (3) copies of completed Forms PR 1392 are to be forwarded to the division office.

(b) Employment reports on direct Federal highway construction contracts not



subject to "Hometown" or "Imposed" plan requirements.

(1) Forms PR 1391 (Appendix C) and PR 1392 (Appendix D) shall be used for reporting purposes as prescribed in § 230.121(a).

(c) Employment reports on direct Federal and Federal-aid highway construction contracts subject to "Hometown" or "Imposed" plan requirements.

(1) Reporting requirements for direct Federal and Federal-aid highway construction projects located in areas where "Hometown" or "Imposed" plans are in effect shall be in accordance with those issued by the U.S. Department of Labor, Office of Federal Contract Compliance.

(2) In order that we may comply with the U.S. Senate Committee on Public Works' request that the Federal Highway Administration submit a report annually on the status of the equal employment opportunity program, Form PR 1391 is to be completed annually by each contractor and each subcontractor holding contracts or subcontracts exceeding \$10,000 except as otherwise provided for under 23 U.S.C. 117. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month of July.

(d) On-the-job training reports for Federal-aid highway construction projects pursuant to the training special provision (Appendix B).

(1) State highway agencies are to require contractors subject to the training special provision to maintain records of training on each trainee. In addition, the contractor is to complete a quarterly report (see Appendix E, Form FHWA 1409, Federal-Aid Highway Construction Contractor's Quarterly Training Report) for each trainee receiving training under the special provision. The contractor is to submit reports for any training under the training special provision which is provided by any of his subcontractors. The contractor is to submit the quarterly reports by the 20th of the month following the end of the quarter. The original of the report will be furnished to the trainee and two copies forwarded to the State highway department. The State highway agency is to review the report for accuracy and completeness and transmit one copy of it to the FHWA division office.

(2) The State highway agencies are to complete a quarterly report (see Appendix F, Form FHWA 1410, Federal-Aid Highway Construction Quarterly Training Report) summarizing the individual training reports (Form FHWA 1409) submitted by the contractors. Three copies of the completed report are to be transmitted to the FHWA division office by the 30th of the month following the end of the quarter.

(e) Apprenticeship and training program reports for direct Federal highway construction projects. Contractors shall be required to submit quarterly reports in accordance with paragraph (c) (5) of the Apprentices and Trainees Provisions of Standard Form 19-A. Form FHWA

1437, Contractors' Quarterly Report on Apprentices and Trainees Program, may be used for this purpose.

(f) Reports on supportive services contracts. (1) The State highway agency is to furnish copies of the reports received from supportive services contractors to the FHWA division office which will furnish a copy to the regional office.

#### APPENDIX A—SPECIAL PROVISIONS

##### SPECIFIC EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES

1. *General.* a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required Contract Provisions (Form PR-1273 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to Section 140 of Title 23, U.S.C., as established by Section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.

b. The contractor will work with the State highway agencies and the Federal Government in carrying out equal employment opportunity obligations and in their review of his/her activities under the contract.

c. The contractor and all his/her subcontractors holding subcontracts not including material suppliers, of \$10,000 or more, will comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in Volume 6, Chapter 4, Section 1, Subsection 1 of the Federal-Aid Highway Program Manual, are applicable to material suppliers as well as contractors and subcontractors.) The contractor will include these requirements in every subcontract of \$10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. *Equal Employment Opportunity Policy.* The contractor will accept as his operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.

3. *Equal Employment Opportunity Officer.* The contractor will designate and make known to the State highway agency contracting officers an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

4. *Dissemination of Policy.* a. All members of the contractor's staff who are authorized

to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

(1) Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

(2) All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.

(3) All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer or appropriate company official in the contractor's procedures for locating and hiring minority group employees.

b. In order to make the contractor's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, i.e., schools, employment agencies, labor unions (where appropriate), college placement officers, etc., the contractor will take the following actions:

(1) Notices and posters setting forth the contractor's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

(2) The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. *Recruitment.* a. When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

b. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where implementation of such agreements have the effect of discriminating against minorities or



women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

6. *Personnel Actions.* Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, lay-off, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

7. *Training and Promotion.* a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event the Training Special Provision is provided under this contract, this subparagraph will be superseded as indicated in Attachment 2.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

8. *Unions.* If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a con-

tractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the State highway department and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin, making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the State highway agency.

9. *Subcontracting.* a. The contractor will use his best efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of minority-owned construction firms from State highway agency personnel.

b. The contractor will use his best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. *Records and Reports.* a. The contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

(1) the number of minority and nonminority group members and women employed in each work classification on the project,

(2) the progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their work force),

(3) the progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees, and

(4) the progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection

by authorized representatives of the State highway agency and the Federal Highway Administration.

c. The contractors will submit to the State highway agency a monthly report for the first three months after construction begins and every month of July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form PR 1391. If on-the-job training is being required by "Training Special Provision", the contractor will be required to furnish Form FHWA 1409.

#### APPENDIX B—TRAINING SPECIAL PROVISIONS

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities," (Attachment 1), and is in implementation of 23 U.S.C. 140(a).

As part of the contractor's equal employment opportunity affirmative action program training shall be provided as follows:

The contractor shall provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under the special provision will be \_\_\_\_\_ (amount to be filled in by State highway department).

In the event that a contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, that the contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The contractor shall also insure that this training special provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees shall be distributed among the work classifications on the basis of the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the contractor shall submit to the State highway agency for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the contractor shall specify the starting time for training in each of the classifications. The contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

Training and upgrading of minorities and women toward journeyman status is a primary objective of this Training Special Provision. Accordingly, the contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journeyman status or in which he has been



employed as a journeyman. The contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used the contractor's records should document the findings in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the State highway agency and the Federal Highway Administration. The State highway agency and the Federal Highway Administration shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the State prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, time-keepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the division office. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

Except as otherwise noted below, the contractor will be reimbursed 80 cents per hour of training given an employee on this contract in accordance with an approved training program. As approved by the engineer, reimbursement will be made for training persons in excess of the number specified herein. This reimbursement will be made even though the contractor receives additional training program funds from other sources, provided such other does not specifically prohibit the contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the contractor where he does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

No payment shall be made to the contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this Training Special Provision. It is normally expected that a trainee will begin his training on the project as soon as feasible after start of work utiliz-

ing the skill involved and remain on the project as long as training opportunities exist in his work classification or until he has completed his training program. It is not required that all trainees be on board for the entire length of the contract. A contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training

period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.

The contractor will provide for the maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

## APPENDIX C

FORM PR-1391  
OMB NO. 04-R2426 29

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION										RCS HCR 01-02						
FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS MONTHLY EEO REPORT										REPORT FOR MONTH ENDING 19						
<b>INSTRUCTIONS</b>																
THIS REPORT SHOULD BE SUBMITTED TO THE STATE HIGHWAY DEPARTMENT BY EACH CONTRACTOR AND COVERED SUBCONTRACTOR FOR THE FIRST THREE MONTHS OF THEIR WORK AND FOR THE MONTH OF JULY. SUBCONTRACTORS SHOULD REPORT CONTRACT AND EMPLOYMENT DATA PERTAINING TO THEIR SUBCONTRACT WORK ONLY.																
THE MANPOWER FIGURES TO BE REPORTED UNDER EMPLOYMENT DATA SHOULD REPRESENT THE PROJECT WORK FORCE ON BOARD IN WHOLE OR IN PART FOR THE LAST PAYROLL PERIOD PRECEDING THE END OF THE MONTH.																
THE MANPOWER FIGURES TO BE REPORTED IN TABLE A SHOULD INCLUDE JOURNEYMEN, APPRENTICES, AND ON THE JOB TRAINEES. MANPOWER FIGURES TO BE REPORTED IN TABLES B & C SHOULD ONLY INCLUDE APPRENTICES AND ON THE JOB TRAINEES AS INDICATED.																
CHECK APPROPRIATE BLOCK		NAME AND ADDRESS OF FIRM						FEDERAL-AID PROJECT NUMBER								
<input type="checkbox"/> CONTRACTOR <input type="checkbox"/> SUBCONTRACTOR																
TYPE OF CONSTRUCTION				COUNTY AND STATE				PERCENT COMPLETE								
DOLLAR AMOUNT OF CONTRACT				BEGINNING CONSTRUCTION DATE				ESTIMATED PEAK EMPLOYMENT								
								MONTH AND YEAR		NUMBER OF EMPLOYEES						
<b>EMPLOYMENT DATA</b>																
<b>TABLE A</b>																
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		NEGRO*		ORIENTAL		AMERICAN INDIAN		SPANISH SURNAMED AMERICAN		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (MANAGERS)																
SUPERVISORS																
FOREMEN																
CLERICAL																
EQUIPMENT OPERATORS																
MECHANICS																
TRUCK DRIVERS																
IRONWORKERS																
CARPENTERS																
CEMENT MASONS																
ELECTRICIANS																
PIPEFITTERS, PLUMBERS																
PAINTERS																
LABORERS, SEMI-SKILLED																
LABORERS, UNSKILLED																
TOTAL																
<b>TABLE B</b>																
APPRENTICES																
ON THE JOB TRAINEES																
SUMMARIZE NEW HIRES FOR THE CURRENT MONTH INDICATING MINORITIES AND NON-MINORITIES BY JOB CATEGORIES (USE REVERSE SIDE OF FORM IF NEEDED).																
PREPARED BY: (SIGNATURE AND TITLE OF CONTRACTORS REPRESENTATIVE)												DATE				
REVIEWED BY: (SIGNATURE AND TITLE OF STATE HIGHWAY OFFICIAL)												DATE				

Form PR-1391  
(Rev. 9-73)

PREVIOUS EDITIONS OF THIS FORM MAY BE USED UNTIL SUPPLY IS EXHAUSTED

GPO 866-693



APPENDIX D

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DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION												OMB NO. 04-R2427							
<b>FEDERAL-AID HIGHWAY CONSTRUCTION</b> SUMMARY OF EMPLOYMENT DATA (INCLUDING MINORITY BREAKDOWN) FOR ALL FEDERAL-AID HIGHWAY PROJECTS FOR MONTH ENDING JULY 31st, 19____																RCS CR-01-03			
NOTE: See Instructions on REVERSE																			
STATE-REGION (5-8)				NUMBER OF PROJECTS (9-12)								TOTAL DOLLAR VALUE (13-23)							
01																			
EMPLOYMENT DATA																			
TABLE A																			
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK		ASIAN AMERICAN		AMERICAN INDIAN		SPANISH SPEAKING		APPRENTICES		ON THE JOB TRAINEES				
	9-13	14-18	19-23	24-28	29-32	33-36	37-40	41-44	45-48	49-52	53-57	58-62	63-66	67-70	71-74	75-78			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
02 OFFICIALS (MANAGERS)																			
03 SUPERVISORS																			
04 FOREMEN																			
05 CLERICAL																			
06 EQUIPMENT OPERATORS																			
07 MECHANICS																			
08 TRUCK DRIVERS																			
09 IRONWORKERS																			
10 CARPENTERS																			
11 CEMENT MASONS																			
12 ELECTRICIANS																			
13 PIPEFITTERS, PLUMBERS																			
14 PAINTERS																			
15 LABORERS, SEMI-SKILLED																			
16 LABORERS, UNSKILLED																			
17 TOTAL																			
TABLE B																			
18 APPRENTICES																			
19 ON THE JOB TRAINEES																			
PREPARED BY (Signature & Title)				DATE		REVIEWED BY (Signature & Title of State Hwy. Official)								DATE					

FORM PR-1392 PREVIOUS EDITIONS MAY NOT BE USED  
(REV. 11-74)



U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION  FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTOR'S QUARTERLY TRAINING REPORT				OMB NO. 04-R2434 APPENDIX E REPORTS CONTROL SYMBOL HHJ -30-16 FEDERAL-AID PROJECT NO.				
INSTRUCTIONS: THIS REPORT IS TO BE COMPLETED BY THE CONTRACTOR QUARTERLY FOR EACH INDIVIDUAL EMPLOYED ON THIS CONTRACT (INCLUDING ANY SUBCONTRACTS UNDER IT WHO HAS RECEIVED TRAINING DURING THE QUARTER UNDER THE TRAINING SPECIAL PROVISION (ATTACHMENT 2 TO FEDERAL HIGHWAY ADMINISTRATION ORDER INTERIM 7-2(2)). THE REPORT IS TO BE SUBMITTED BY THE 20TH OF THE MONTH FOLLOWING THE QUARTER (APRIL 20, JULY 20, OCTOBER 20, AND JANUARY 20.) THE ORIGINAL OF THIS REPORT IS TO BE FURNISHED TO THE TRAINEE AND TWO COPIES SUBMITTED TO THE STATE HIGHWAY DEPT.								
1. NAME OF CONTRACTOR				1A. ADDRESS				
2. NAME OF TRAINEE		2A. SEX <input type="checkbox"/> M <input type="checkbox"/> F		2B. ADDRESS				
3. AGE OF TRAINEE		4. SOCIAL SECURITY NUMBER		5. EMPLOYEE STATUS (CHECK ONE) <input type="checkbox"/> NEW HIRE <input type="checkbox"/> UP-GRADE				
6. ETHNIC GROUP DESIGNATION (CHECK ONE) <input type="checkbox"/> NEGRO <input type="checkbox"/> ORIENTAL <input type="checkbox"/> AMERICAN INDIAN <input type="checkbox"/> SPANISH AMERICAN <input type="checkbox"/> OTHER								
7. SUMMARY OF PREVIOUS TRAINING: (ENTER AMOUNT AND TYPE OF TRAINING RECEIVED BY TRAINEE ON OTHER CONTRACTS UNDER APPROVED TRAINING PROGRAMS)								
8. JOB CLASSIFICATION OF TRAINEE				9. DATE TRAINING STARTED ON THIS CONTRACT		10. TYPE OF ON THE JOB TRAINING (CHECK ONE) <input type="checkbox"/> APPRENTICESHIP <input type="checkbox"/> OTHER		
REPORTING PERIODS								
INSTRUCTIONS: ONE VERTICAL COLUMN IS TO BE COMPLETED FOR EACH SUCCEEDING QUARTER AND THE FORM RESUBMITTED. ENTER MARCH 31, JUNE 30, SEPT. 30, DEC. 30, AS APPLICABLE IN COLUMNS A THRU H BELOW.								
	A	B	C	D	E	F	G	H
11.	19 ____	19 ____	19 ____	19 ____	19 ____	19 ____	19 ____	19 ____
12.								
13.								
14. TERMINATION (IF TRAINING WAS TERMINATED PRIOR TO COMPLETION OF APPROVED PROGRAM EXPLAIN REASON FOR TERMINATION)								
15. REPORT PREPARED BY (SIGNATURE AND TITLE OF CONTRACTOR'S REPRESENTATIVE)							16. DATE	
16. REPORT REVIEWED BY (SIGNATURE AND TITLE OF STATE HIGHWAY OFFICIAL)							17. DATE	

 FORM FHWA-1409  
 (REV. 11-74)

PREVIOUS EDITIONS ARE OBSOLETE



## APPENDIX F

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FEDERAL • AID HIGHWAY*CONSTRUCTION QUARTERLY TRAINING REPORT										U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION										REPORTS CONTROL SYMBOL H10-32																				
NOTE: TO BE COMPLETED BY STATE HIGHWAY DEPARTMENT (See instructions on reverse side)																																								
STATE										QUARTER ENDING										LEGEND N-NEGRO, OR-ORIENTAL I-AMERICAN INDIAN, S-SPANISH AMERICAN O-OTHER																				
LINE NO.	TRAINING CLASSIFICATION A	NUMBER RECEIVING TRAINING DURING QUARTER B										NUMBER STARTING TRAINING DURING QUARTER C										NUMBER COMPLETING TRAINING DURING QUARTER D										TOTAL HOURS OF TRAINING DURING QUARTER E								
		TOTAL	10 N	12 OR	13 I	15 S	16 O	18 I	21 S	22 O	TOTAL	25 N	27 OR	28 I	31 S	33 O	34 I	36 S	37 O	TOTAL	40 N	42 OR	43 I	46 S	48 O	50 I	51 S	52 O	TOTAL											
03	EQUIPMENT OPERATORS																																							
04	MECHANICS																																							
05	TRUCK DRIVERS																																							
06	IRON WORKERS																																							
07	CARPENTERS																																							
08	CEMENT MASONS																																							
09	ELECTRICIANS																																							
10	PIPEFITTERS PLUMBERS																																							
11	PAINTERS																																							
12	OTHER SKILLS																																							
13	TOTAL																																							
14	NUMBER OF FEMALES RECEIVING TRAINING										10-12 NUMBER OF FEMALES STARTING TRAINING										13-15 NUMBER OF FEMALES COMPLETING TRAINING										16-18									
NUMBER OF NEW-HIRES RECEIVING TRAINING										19-21 NUMBER IN APPRENTICESHIP TRAINING										22-24 NUMBER OF TERMINATIONS PRIOR TO COMPLETION OF TRAINING										23-27										
NUMBER OF UP-GRADES RECEIVING TRAINING										28-30 NUMBER IN OTHER ON-JOB-TRAINING										31-33 NUMBER OF PROJECTS UNDER WAY DURING QUARTER AND CONTAINING TRAINING SPECIAL PROVISIONS										34-36										
COMMENTS																																								
REPORT PREPARED BY (SIGNATURE) AND TITLE OF STATE OFFICIAL																									DATE															

## APPENDIX G—SPECIAL REPORTING REQUIREMENTS FOR "HOMETOWN" OR "IMPOSED" PLAN AREAS

In addition to the reporting requirements set forth elsewhere in this contract the contractor and the subcontractors holding subcontracts, not including material suppliers, of \$10,000 or more, shall submit for every month of July during which work is performed, employment data as contained under Form FR-1391 (Appendix C to 23 CFR, Part 230) and in accordance with the instructions included thereon.

[FR Doc. 75-17371 Filed 7-2-75;8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-622]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of

flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW, Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas

unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:



## § 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Etowah	Attalla, city of	July 1, 1975, emergency	Dec. 28, 1973		
California	Fresno	Fowler, city of	do	May 3, 1974		
Connecticut	New Haven	Oxford, town of	do	June 28, 1974		
Do	do	Prospect, town of	do	June 21, 1974		
Delaware	Sussex	Ocean View, town of	do	Aug. 2, 1974		
Florida	Okaloosa	Mary Esther, town of	do			
Idaho	Minidoka	Paul, city of	do			
Illinois	McLean	Cooksville, village of	do	Dec. 6, 1974		
Indiana	Fountain	Covington, city of	do	Jan. 9, 1974		
Kansas	Norton	Almena, city of	do	Mar. 1, 1974		
Do	Franklin	Ottawa, city of	do	Jan. 9, 1974		
Kentucky	Hopkins	Dawson Springs, city of	do	Feb. 1, 1974		
Minnesota	Dakota	Eagan, city of	do	Nov. 30, 1973		
Massachusetts	Franklin	Charlemont, town of	do	Aug. 2, 1974		
Do	do	Heath, town of	do			
Do	Middlesex	Waltham, city of	do	June 28, 1974		
Michigan	Calhoun	Albion, city of	do	do		
Missouri	Cass	Harrisonville, city of	do	Mar. 15, 1975		
Nebraska	Cheyenne	Lodgepole, village of	do	Nov. 22, 1974		
Do	Dawson	Overton, village of	do	June 14, 1974		
New Hampshire	Hillsborough	Deering, town of	do	Mar. 15, 1974		
Do	Grafton	Lyme, town of	do	June 28, 1974		
New Jersey	Monmouth	Eaton town, borough of	do	June 21, 1974		
Do	Hunterdon	Lebanon, township of	do	Jan. 31, 1975		
Do	Cumberland	Stow Creek, township of	do	July 26, 1974		
New York	Genesee	Bethany, town of	do	Sept. 20, 1974		
Do	Eric	Coneord, town of	do	Aug. 2, 1974		
Do	Ontario	East Bloomfield, town of	do	Dec. 20, 1974		
Do	Montgomery	Fonda, village of	do	Mar. 1, 1974		
Do	Saratoga	Greenfield, town of	do	June 28, 1974		
Do	Cattaraugus	Limestone, village of	do	Apr. 5, 1974		
Do	Delaware	Sidney, town of	do	Feb. 8, 1974		
North Carolina	Wake	Cary, town of	do	June 28, 1974		
Do	Brunswick	Shallotte, town of	do			
North Dakota	Stark	Belfield, city of	do	May 24, 1974		
Ohio	Marion	Caledonia, village of	do	Apr. 5, 1974		
Do	Mercer	Coldwater, village of	do	June 7, 1974		
Do	Tuscarawas	New Philadelphia, city of	do	Mar. 15, 1974		
Do	Medina	Wadsworth, city of	do	Mar. 1, 1974		
Oregon	Klamath	Unincorporated areas	do	Dec. 27, 1974		
Pennsylvania	Franklin	Washington, township of	do	Sept. 6, 1974		
South Carolina	Berkeley	Moneks Corner, town of	do	May 24, 1974		
Tennessee	Marion	Kimball, town of	do	June 14, 1974		
Texas	Tarrant	Everman, city of	do	Dec. 17, 1973		
Utah	Kane	Unincorporated areas	do			
Vermont	Essex	Lemington, town of	do	Dec. 13, 1974		
Washington	Yakima	Harrah, town of	do	Oct. 25, 1974		
West Virginia	Putnam	Baneroft, town of	do	Aug. 9, 1974		
Do	Boone	Danville, town of	do	Nov. 15, 1974		
Do	Raleigh	Beekley, city of	do	June 7, 1974		
Do	Mercer	Oakvale, town of	do	Oct. 25, 1974		
Wisconsin	St. Croix	Glenwood, city of	do	June 7, 1974		
Do	Portage	Nelsonville, village	do	Jan. 23, 1974		
Texas	Kleberg	Unincorporated areas	Sept. 25, 1970, emergency. Aug. 13, 1971, regular. Dec. 31, 1971, suspension. June 24, 1975, reinstated.	Aug. 17, 1971		
California	Riverside	San Jacinto, city of	Nov. 5, 1971, emergency. Sept. 28, 1973, regular. Mar. 26, 1975, suspension. June 24, 1975, reinstated.	Sept. 28, 1973		
Texas	Orange	Pinehurst, city of	Dec. 3, 1970, emergency. July 2, 1971, regular. Dec. 21, 1971, suspension. June 30, 1974, reinstated.	July 2, 1971		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Mountain Brook, city of	July 2, 1975, emergency	June 28, 1974		
Do	Monroe	Monroeville, city of	do			
Do	Macon	Notasulga, town of	do	Oct. 25, 1974		
Arkansas	Saline	Benton, city of	do	Nov. 16, 1973		
Do	Baxter	Cotter, city of	do	June 14, 1974		
Do	Logan	Boonville, city of	do			
Do	Izard	Horseshoe Bend, city of	do			
Do	Lee	Rondo, city of	do	Dec. 6, 1974		
California	Humboldt	Blue Lake, city of	do	Jan. 17, 1975		
Do	San Diego	Carlsbad, city of	do	May 31, 1974		
Do	Santa Cruz	Capitola, city of	do	May 17, 1974		
Do	Contra Costa	Pinole, city of	do	May 24, 1974		
Do	Santa Cruz	Santa Cruz, city of	do	Mar. 8, 1974		
Do	Los Angeles	South Gate, city of	do	June 28, 1974		
Do	Santa Cruz	Scotts Valley, city of	do	May 31, 1974		
Florida	Citrus	Unincorporated areas	do	Dec. 20, 1974		
Do	Okeechobee	Okeechobee, city of	do	June 28, 1974		
Do	Hardee	Zolfo Springs, town of	do	Jan. 16, 1974		
Idaho	Twin Falls	Filer, city of	do			



State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Perry	Pinckneyville, city of	do	Mar. 22, 1974		
Do	LaSalle	Oglesby, city of	do	May 24, 1974		
Do	Franklin	Sesser, city of	do			
Do	Hardin	Elizabethtown, village of	do	Jan. 16, 1974		
Do	Tazewell	Armington, village of	do	Mar. 22, 1974		
Do	Gallatin	Equality, village of	do	Mar. 22, 1974		
Do	Whiteside	Fulton, city of	do	May 14, 1975		
				and		
Do	Marion	Centralia, city of	do	Feb. 14, 1975		
Do	Cass	Chanderville, village of	do	May 3, 1974		
Do	Knox	Victoria, village of	do	Nov. 23, 1973		
Do	Will	Romeoville, village of	do	June 7, 1974		
Indiana	Rush	Rushville, city of	do	Mar. 29, 1974		
Iowa	Black Hawk	Raymond, town of	do	Dec. 7, 1973		
Do	Clinton	Unincorporated areas	do	Mar. 22, 1974		
Do	Cedar	Tipton, city of	do			
Kansas	Leavenworth	Easton, city of	do	Mar. 29, 1974		
Do	Douglas	Leecompton, city of	do	Feb. 1, 1974		
Do	Franklin	Wellsville, city of	do	Jan. 23, 1974		
Kentucky	Wayne	Monticello, city of	do	Feb. 15, 1974		
Louisiana	Morehouse	Bastrop, city of	do	May 24, 1974		
Maine	Lincoln	Jefferson, town of	do	Mar. 15, 1974		
Do	Waldo	Searsport, town of	do	Oct. 25, 1974		
Do	Knox	Rockport, town of	do	Nov. 8, 1974		
Maryland	Kent and Queen Annes	Millington, town of	do	Sept. 20, 1974		
				Aug. 9, 1974		
Massachusetts	Essex	North Andover, town of	do	June 28, 1974		
Do	Norfolk	Norwood, town of	do	Aug. 16, 1974		
Michigan	Mason	Hamlin, township of	do	Aug. 23, 1974		
Do	Calhoun	Battle Creek, city of	do	July 19, 1974		
Do	Leelanau	Elmwood, township of	do	Sept. 20, 1974		
Minnesota	Hennepin	New Hope, city of	do	Sept. 6, 1974		
Montana	Powell	Deer Lodge, city of	do	Jan. 9, 1974		
Do	Lincoln	Libby, city of	do	May 31, 1974		
Missouri	St. Louis	Charlack, city of	do	Feb. 14, 1975		
Nebraska	Merriek	Silver Creek, village of	do	Jan. 10, 1975		
New Hampshire	Cheshire	Alstead, town of	do	July 26, 1974		
Do	Rockingham	Epping, town of	do	July 19, 1974		
New Jersey	Bergen	Lyndhurst, township of	do	July 26, 1974		
Do	do	Rutherford, borough of	do	Apr. 12, 1974		
Do	Hudson	West New York, town of	do	May 31, 1974		
Do	Gloucester	Westville, borough of	do	Mar. 8, 1974		
New York	Delaware	Franklin, town of	do	Aug. 16, 1974		
Do	Orange	Greenville, town of	do	July 26, 1974		
Do	Lewis	Lowville, village of	do	June 28, 1974		
Do	Madison	Hamilton, town of	do	May 31, 1974		
Do	Orange	Minisink, town of	do	Apr. 12, 1974		
Do	Saratoga	Northumberland, town of	do	June 21, 1974		
Do	Dutchess	Pleasant Valley, town of	do	July 26, 1974		
Do	Saratoga	Schuylerville, village of	do	Mar. 29, 1974		
Do	Westchester	Tuekahoe, village of	do	May 10, 1974		
Do	Orange	Unionville, village of	do	June 28, 1974		
Do	Wayne	Wolcott, village of	do	Nov. 15, 1974		
North Carolina	Sampson	Clinton, city of	do	Dec. 6, 1974		
Do	Columbus	Lake Waccaman, town of	do	Dec. 28, 1973		
Do	Nash	Nashville, town of	do	June 28, 1974		
Do	Haywood	Waynesville, town of	do	Mar. 8, 1974		
North Dakota	Rolette	St. John, city of	do	Dec. 6, 1974		
Ohio	Brown	Aberdeen, village of	do	Jan. 31, 1975		
Do	do	Georgetown, village of	do	June 28, 1974		
Do	Summit	Norton, city of	do	Mar. 15, 1974		
Do	Meigs	Syracuse, village of	do	Apr. 5, 1974		
Do	Montgomery	West Carrollton, city of	do	Feb. 8, 1974		
Pennsylvania	Blair	Taylor, township of	do			
Do	Adams	Mount Pleasant, township of	do	Feb. 7, 1975		
Do	Potter	Galetton, borough of	do	Aug. 2, 1974		
Do	Berks	Penn, township of	do	Dec. 6, 1974		
Do	Carbon	Bowmanstown, borough of	do	Jan. 16, 1974		
Do	Greene	Carmichaels, borough of	do	June 28, 1974		
Do	Butler	Chicora, borough of	do	June 14, 1974		
Do	Wayne	Lehigh, township of	do	Nov. 29, 1974		
Do	Bedford	Kimmel, township of	do			
Do	Wayne	Mount Pleasant, township of	do	Feb. 7, 1975		
Do	Fayette	Everson, borough of	do	July 26, 1974		
Do	Mercer	Springfield, township of	do	Dec. 13, 1974		
Do	Susquehanna	Hallstead, borough of	do	Nov. 22, 1974		
Do	Perry	Southwest Madison, township of	July 2, 1975, emergency	Dec. 13, 1974		
Do	Allegheny	Plum, borough of	do	June 28, 1974		
Do	Laneaster	Warwick, township of	do	Sept. 20, 1974		
South Carolina	Anderson	Unincorporated areas	do	Dec. 6, 1974		
Do	Charleston	Meggett, town of	do	Oct. 25, 1974		
Do	Newberry	Unincorporated areas	do			
Texas	Reeves	Balmorhea, city of	do	June 28, 1974		
Do	Runnels	Winters, city of	do	Dec. 17, 1973		
Do	Hidalgo	Donna, city of	do	Feb. 1, 1974		
Do	Tarrant	Westover Hills, town of	do	Aug. 30, 1974		
Do	Hidalgo	San Juan, city of	do	Mar. 22, 1974		
Do	Jasper	Jasper, city of	do	Mar. 29, 1974		
Do	Zavala	Unincorporated areas	do			
Utah	Juab	Eureka, city of	do	June 7, 1974		



State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Do.....	Summit.....	Kamas, city of.....	June 24, 1975, emergency.....	Aug. 16, 1974.....		
Do.....	Sevier.....	Redmond, town of.....	do.....	Jan. 31, 1975.....		
Do.....	Davis.....	West Bountiful, city of.....	do.....	Dec. 28, 1973.....		
Vermont.....	Lamoille.....	Cambridge, village of.....	do.....	Aug. 9, 1974.....		
Do.....	Windham.....	Newfane, town of.....	do.....	June 28, 1974.....		
Do.....	Addison.....	Orwell, town of.....	do.....	Nov. 15, 1974.....		
Do.....	Bennington.....	Shaftsbury, town of.....	do.....	June 28, 1974.....		
Virginia.....	Lee.....	Jonesville, town of.....	do.....	June 14, 1974.....		
Washington.....	Island.....	Langley, city of.....	do.....			
Do.....	Spokane.....	Medical Lake, town of.....	do.....	June 7, 1974.....		
Wisconsin.....	Fond du Lac.....	Ripon, city of.....	do.....	May 24, 1974.....		
Do.....	Pierce.....	Spring Valley, village of.....	do.....	June 14, 1974.....		
West Virginia.....	Pendleton.....	Franklin, town of.....	do.....	May 31, 1974.....		
Do.....	Tucker.....	Hambleton, town of.....	do.....	Feb. 1, 1974.....		
Do.....	Fayette and Kanawha.....	Montgomery, city of.....	do.....	May 24, 1974.....		
Do.....	Ritchie.....	Pennsboro, city of.....	do.....	May 31, 1974.....		
Wyoming.....	Platte.....	Wheatland, city of.....	do.....	Apr. 12, 1974.....		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974).

Issued: June 24, 1975.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-17180 Filed 7-2-75;8:45 am]

#### Title 29—Labor

### CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

### PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

#### Wage Order—Correction

In FR Doc. 74-19855 on 39 FR 31316, the workers in the sugarcane farming industry heretofore set forth in § 727.2a were included in revised paragraphs (f), (g) and (h) of § 727.2.

1. Section 727.2a is accordingly deleted.

2. As the result of the deletion of § 727.2a, the words "and 727.2a" appearing twice in § 727.3 are also deleted.

Signed at Washington, D.C. this 27th day of June 1975.

BERNARD E. DELURY,  
Assistant Secretary for Employ-  
ment Standards, U.S. Depart-  
ment of Labor.

[FR Doc.75-17336 Filed 7-2-75;8:45 am]

#### Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS [FRL 385-5]

### PART 52—APPROVAL AND PROMULGA- TION OF IMPLEMENTATION PLANS

#### Review of Indirect Sources

Indefinite Suspension of Parking-Related Indirect Source Review. The Administrator of the Environmental Protection Agency (EPA) is today suspending indefinitely those portions of EPA's indirect source regulation (40 CFR 52.22 (b), 39 FR 25292, July 9, 1974) covering parking-related facilities.

Background. The Clean Air Act, as amended in 1970 (42 U.S.C. 1857 et seq.) requires that all state implementation plans insure both attainment of ambient air quality standards by certain deadlines and continued maintenance of such standards once they are attained. After a Federal appeals court ordered EPA in early 1973 to assure that state implementation plans are adequate for maintenance as well as attainment (NRDC v. EPA, 475 F.2d. 968 (D.C. Cir. 1973)), EPA determined that every state implementation plan should contain an "indirect source" review regulation.

An "indirect source" of air pollution is a facility which does not itself emit air pollutants, but which attracts automobiles in sufficient numbers so as to have the potential for creating concentrations of auto-related pollutants in excess of the ambient air standards set to protect the public health and welfare. Examples are shopping centers, apartments, office buildings, parking garages, highways, and airports.

Pursuant to the above-noted court order, EPA amended 40 CFR 51.18 on June 18, 1973 (38 FR 15834) to set forth the basic requirements for all states to develop indirect source regulations. Under the Court order (as revised) EPA was required to promulgate by February 15, 1974, regulations for all states which failed to submit approvable regulations. Accordingly, on February 14, 1974, EPA promulgated an indirect source regulation to be incorporated into the implementation plans of 52 states and territories (39 FR 7270, February 25, 1974). Only the regulations for Alabama, Florida, and Guam could be approved. The regulation was repromulgated with clarifying amendments on July 9, 1974 (39 FR 25292). At present, five additional state regulations have been approved: North Carolina, Kentucky, Washington, Idaho, and Nevada. Thus, the Federal regulation is now part of the implementation plans for 47 states and territories.

The Federal regulation requires air quality review of three basic types of indirect sources: highways, airports, and parking-related facilities. Generally, the regulation provides that the Administrator must review the plans for such facilities prior to construction or modification, and that he must deny approval to construct or modify if the indirect source

would cause or exacerbate violations of the ambient air standards.

As originally promulgated, the Federal regulation required that any covered facility which commenced construction on or after January 1, 1975 would be subject to review. On December 30, 1974 (39 FR 45014) EPA delayed this applicability date until July 1, 1975, and announced that the review procedures under the regulation were being suspended "pending further notice." EPA postponed the applicability date principally because late in 1974 a provision was added to EPA's Appropriations Act for fiscal 1975<sup>1</sup> which denies EPA funds to administer facilities. Thecltip y2557u\$aooreful qp4 any program to limit or regulate parking facilities. This restriction is scheduled to expire on June 30, 1975.

Current EPA Policy. EPA continues to believe that the goal stated in the Clean Air Act of maintaining ambient air standards makes it necessary that state implementation plans have a mechanism for regulating new and modified indirect sources. Even though significant reductions in direct emissions from autos are being accomplished through the Federal Motor Vehicle Pollution Control Program, such reductions by themselves will be insufficient in many areas to insure attainment and maintenance of the ambient air standards for some time to come. New indirect sources which are improperly designed so as to cause congestion, or which have the effect of significantly increasing local or area-wide auto traffic, may either cause new health standard violations or exacerbate existing violations.

EPA recognizes the importance of state and local controls in the planning, siting and design of parking-related facilities, such as shopping centers, office buildings, and residential facilities. EPA believes that the necessary preconstruction reviews for air quality can be most effective when incorporated by the state or local government into their ongoing planning, zoning and building permit process. EPA has continually emphasized its desire that the indirect source regulations be implemented at the state or local level, not at the Federal level. It is only where states have failed to adopt indirect source regulations that EPA must, under the current provisions of the Clean Air Act,



be prepared to perform a Federal review.

Currently, the appropriate legislative committees of the Congress are considering various possible amendments to the Clean Air Act. One is an amendment that would require each state to adopt and implement an indirect source regulation as a part of its State Implementation Plan and provide no authority for EPA to review parking-related facilities. In view of the active Congressional consideration of parking-related indirect source amendments, EPA does not feel it is desirable to reinstate the parking-related aspects of the Federal regulation at this time.

In the absence of Congressional action for a substantial time period, EPA may reinstate the current regulations as they pertain to parking facilities in order to help insure that air quality standards be maintained. If such a course of action becomes necessary, in no event would parking related facilities commencing construction within six months after reinstatement be subject to the Federal regulation.

Highways and Airports. In the Administrator's judgment, different considerations govern the Agency's position with respect to highways and airports. First, Congressional concern over the indirect source regulations has focused upon the Federal review of parking facilities and not upon the Federal review of highways and airports. For example, the prohibition contained in EPA's Appropriations Act for fiscal 1975 did not preclude review of highways and airports.

Second, the size of highways and airports subject to the Federal regulation is so large that virtually all such facilities must go through Federal review and approval processes in any event, both through Department of Transportation and National Environmental Policy Act procedures. Incorporating an indirect source review step at the Federal level should not create additional delays since the EPA review can be carried on simultaneously with other Federal reviews, largely using data already developed for those reviews.

Accordingly, the Administrator plans in the near future to propose guidelines<sup>2</sup> for the oxidant-nitrogen dioxide impact review of highways and airports so that the Federal regulation may be completed in respect to these types of indirect sources. The Agency will hold rulemaking on these guidelines before promulgating the guidelines in final form. In no event will highways and airports commencing construction or modification within six months after promulgation of the guidelines be subject to the regulation.

The Administrator continues to encourage states to adopt and enforce indirect source regulations (including highway and airport review) and to submit them to EPA for approval as part of their implementation plans. This suspension will have no effect on the applicability or

validity of existing state indirect source laws or regulations, nor will it affect state indirect source laws or regulations which may be adopted hereafter, whether or not submitted to EPA for approval.

(Sections 110(a)(2)(B), 110(c) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), and 1857g(a))).

Dated: June 26, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended by revising paragraph (16) of § 52.22(b) to read as follows:

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

[FR Doc.75-17293 Filed 7-2-75;8:45 am]

[FRL 393-7; PP4E1509/R29]-

SUBCHAPTER E—PESTICIDE PROGRAMS  
PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

On May 12, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20651) a notice of proposed rulemaking to establish a tolerance for negligible residues of the herbicide trifluralin ( $\alpha,\alpha,\alpha$ -trifluoro - 2,6 - dinitro - *N,N* - dipropyl - *p*-toluidine) in or on the raw agricultural commodities field corn grain, fodder, and forage at 0.05 part per million. No comments or requests for referral to an advisory committee were received with regard to this proposal, and it has therefore been concluded that the proposed amendment to the regulations (40 CFR 180.207) be adopted without alteration.

Any person adversely affected by this regulation may on or before August 4, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are sup-

ported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication, Part 180, Subpart C, § 180.207, is amended as set forth below.

Dated: June 26, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Section 180.207, Subpart C, Part 180, is amended by revising the paragraph "0.05 part per million (negligible residue) \* \* \*" to read as follows.

§ 180.207 Trifluralin; tolerances for residues.

\* \* \* \* \*

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, field corn grain, fodder, and forage, forage legumes, fruiting, vegetables, grapes, hops, leafy vegetables, nuts, peanuts, peppermint hay, root crop vegetables (except carrots) safflower seed, seed and pod vegetables, spearmint hay, stone fruits, sugarcane, sunflower seed, wheat grain, and wheat straw.

\* \* \* \* \*

[FR Doc.75-17294 Filed 7-2-75;8:45 am]

[FRL 393-8; OPP-300001A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On April 28, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 18451) a notice of proposed rulemaking to exempt certain additional inert (or occasionally active ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act.

The Agency has made a change in the proposed regulation with regard to the exemption of sodium hypochlorite from the requirement of a tolerance as listed in the proposal. The uses cited for this chemical were "bleaching agent" and "disinfectant" and sodium hypochlorite in a disinfectant product is an active ingredient. Therefore, the word "disinfectant", which was listed under uses, is being struck from the proposed document. The intended function(s) of sodium hypochlorite in a pesticide formulation when this chemical is added to a formulation as an inert ingredient are included under uses in the regulation.

The proposed amendment to the regulations (40 CFR 180.1001) with the above change will protect the public health. It is therefore adopted.

Any person adversely affected by this regulation may on or before August 4, 1975 file written objections with the

<sup>1</sup>Section 510 of the Agriculture-Environmental Consumer Protection Appropriations Act, 1975 (Pub. L. 93-563, 88 Stat. 1822).

<sup>2</sup>These guidelines will comprise the Appendix which was referred to at 39 FR 25295, right column, July 9, 1974.



Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 3, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

**AUTHORITY:** Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (e)].

Dated: June 26, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, § 180.1001, is amended by 1) revising the items "D & C Red No. 17 \* \* \*" and "Methyl violet 2B \* \* \*" in paragraph (d); 2) alphabetically inserting new items in paragraphs (c), (d), and (e); and 3) making the consequent editorial changes as follows.

**§ 180.1001 Exemptions from the requirement of a tolerance.**

(c) \* \* \*

Inert ingredients	Limits	Uses
* * *	*	*
Alkanolic and alkenolic acids, mono- and diesters of $\alpha$ -hydro- $\omega$ -hydroxypoly(oxyethylene) with molecular weight range of 200 to 6,000.	-----	Emulsifiers.
* * *	*	*
Beeswax.	-----	Coating agent.
* * *	*	*
Calcium salt of partially dimerized rosin, conforming to title 21, sec. 121.1179.	-----	Coating agent.
Calcium silicate.	-----	Solid diluent, carrier.
* * *	*	*
Coumarone-Indene resin, conforming to title 21, sec. 121.1050.	For use on citrus only.	Component of coating agent.
* * *	*	*
Fatty acids, conforming to title 21, sec. 121.1070.	-----	Binder, defoaming agent, lubricant.
* * *	*	*
Petrolatum, conforming to title 21, sec. 121.1166.	-----	Coating agent.
* * *	*	*
Petroleum naphtha, conforming to title 21, sec. 121.1203(d).	-----	Component of coating agent.
Petroleum wax, conforming to title 21, sec. 121.1156(d).	-----	Coating agent.
* * *	*	*
Polysorbate 65, conforming to title 21, sec. 121.1008.	-----	Emulsifier.

Inert ingredients	Limits	Uses
* * *	*	*
Salts of fatty acids, conforming to title 21, sec. 121.1071.	-----	Binder, emulsifier, anticaking agent.
* * *	*	*
Sodium hypochlorite.	-----	Bleaching agent.
* * *	*	*
Sperm oil conforming to title 21, sec. 121.1179.	-----	Coating agent.
* * *	*	*

(d) \* \* \*

Inert ingredients	Limits	Uses
* * *	*	*
D & C Red No. 17, technical grade.	-----	Dye.
* * *	*	*
Methyl violet 2B.	-----	Dye.
* * *	*	*

(e) \* \* \*

Inert ingredients	Limits	Uses
* * *	*	*
Alkanolic and alkenolic acids, mono- and diesters of $\alpha$ -hydro- $\omega$ -hydroxypoly(oxyethylene) with molecular weight range of 200 to 6,000.	-----	Emulsifiers.
* * *	*	*

[FR-Doc.75-17295 Filed 7-2-75;8:45 am]

[FRL 385-2]

**PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES**

**Recall Regulations; Decal Requirements**

On December 23, 1974, the Environmental Protection Agency (EPA) promulgated regulations governing the recall of motor vehicle and motor vehicle engines which fail to conform to emission standards for their useful lives. Notices to correct typographical errors were published in the FEDERAL REGISTER of Thursday, January 23, 1975, at page 3447.

On January 21, 1975, petitions for reconsideration were received from Chrysler Corporation and Alfa Romeo Incorporated. Both petitions were directed at § 85.1803(c) which requires vehicles or engines involved in EPA ordered emission recall campaigns to be identified by a campaign decal. The revision discussed herein is intended to clarify the decal provision and to respond to the petitions received. Because the issues surrounding the decal requirements were thoroughly discussed when the proposed version of the regulations was published for public comment, and in view of the nature of the changes made to these requirements, notice and public

comment on the amendment of the decal provision was considered unnecessary.

**EXPLANATORY STATEMENT**

Proposed Recall Regulations were published in the FEDERAL REGISTER, on Monday, March 25, 1974, at page 11103. The decal provision of the proposed regulations read as follows:

(c) (1) Where allowed by State law, the manufacturer shall require those who perform the repair under the remedial plan to affix a decal to each vehicle submitted for such repair.

(2) The decal shall be placed in a conspicuous location on one of the non-movable, inside glass surfaces of the vehicle as allowed by applicable State law.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility to which the vehicle was submitted for repair.

As promulgated, on December 23, 1974, the provision provides:

(c) (1) The manufacturer shall require those who perform the repair under the remedial plan to affix a permanent decal to each vehicle repaired or, when required, inspected under the remedial plan.

(2) The decal shall be placed in the engine compartment near the emission label or in such other location as approved by the Administrator.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility at which the vehicle or engine was repaired or inspected for repair.

(iii) Contain the vehicle or engine identification number.

The changes made are easily identified:

(a) The decal is now required to be permanent. This was not addressed in the proposal.

(b) Only vehicles which actually receive repair or are, when required, inspected for the repair are to receive decals under the promulgated regulations. The proposed regulations would have required a decal to be affixed to vehicles or engines presented for campaigning regardless of whether any service or inspection was actually performed.

(c) The decal is presently required to be located in the engine compartment or such other location approved by the Administrator. The proposal required the decal to be affixed to the glass of the vehicle.

(d) The final version of the decal provision also required the decal to include the vehicle or engine identification number.

The preamble to the final regulations identifies the purpose of the decal as an aid to state inspection programs. The preamble also reflects the fact that the conditioning of the receipt of a decal on actual repair or inspection, the inclusion of identification numbers, and the location of the decal in the engine compartment resulted from an evaluation of the comments received to the provision in proposed form. The petitions for reconsideration, however, reveal that the



adoption of these suggestions has produced a result which is unnecessarily (and unintentionally) complex.

#### PETITIONS TO RECONSIDER

Both Chrysler Corporation and Alfa Romeo submitted petitions to have the decal provision reconsidered. The substance of these petitions may be summarized as follows:

##### 1. CHRYSLER CORPORATION

Because of the complexities surrounding the identification of vehicles to be recalled, it is doubtful that any decal program could be established which would be of any positive benefit to state inspection programs. The list of vehicles which should have an emission recall decal would be inordinately complex because a recalled "class or category" could transcend model designation, model year and engine family and depend upon transmission type, axle ratio, construction period, among other characteristics.

It is also Chrysler's view that the presence of, or lack of, a decal may result for reasons other than those intended. For example a vehicle with a decal may not have received the repair and a vehicle which received the repair may not have received a decal. Because manufacturers are required to keep records of vehicles involved in recalls, a state agency in need of vehicle information could contact the manufacturer involved.

Chrysler also addressed the relationship of the requirements of permanence, repair facility code, and vehicle identification number (VIN). The difficulty caused by these requirements is that the inclusion of the VIN and requirement of permanence cause extraordinary practical problems. Although a decal could be printed with the repair facility code, the impossibility of determining where a recalled vehicle will be returned for service would necessitate that a blank for the writing in of the VIN be provided on the decal. However, it is unlikely that a written-in VIN would be permanent. (The logistics of attempting to pre-print the VIN and the repair facility code and getting the right decal to the right vehicle are, in Chrysler's opinion, so complex as to make such an undertaking unworkable.) In summary, Chrysler believes that the decal, as an aid to State inspection programs, is of questionable value and, if it were to be retained cannot be utilized as it is presently designed.

##### 2. ALFA ROMEO, INCORPORATED

Alfa Romeo also cited the practical difficulties in providing VIN while retaining the permanence of the decal. Alfa Romeo also noted that the term "decal" refers to a label which is separated from its backing material by immersing it in water. As a true decal is not permanent, the proper term would be "label".

Alfa Romeo also opined that due to the inclusion of the VIN, the repair facility code could not be pre-printed on the "label" because the manufacturer "has no way of knowing (in advance) who will perform the repair." The difficulty arises from the VIN requirement

since it is difficult to determine to which facility a particular vehicle will be taken.

Alfa Romeo also noted that it presently utilizes labels in its safety recalls. The safety campaign label includes a symbol to indicate the nature of the repair and the campaign number, and is located under the hood.

#### 3. DISCUSSION

The above comments must be considered in light of the purpose of the "decal" provision and the desire to avoid imposing a burden which has no potential for benefit.

It is difficult to ignore the demonstrated complexities caused by the requirements of VIN and permanence. In part, this complexity is caused by the use of the word "permanent". It is important that campaign labels not be transferred from campaigned vehicles to vehicles which have not participated in order to help avoid the situation posed by Chrysler wherein a vehicle with a label may not have been repaired. Similarly, it is important the labels not be easily detached to help avoid the situation posed by Chrysler wherein a vehicle may have been repaired but has no label. This is especially important if states require vehicles to be campaigned to pass inspection since ineligible vehicles could be required to be repaired (or at least inspected) at the expense of the owner. Thus, a label which would resist transfer by tearing or otherwise rendering itself unusable would serve this purpose. Permanence also relates to the ability of the label to survive the environment in which it is placed. A material which would be appropriate for a door jam might not survive under the hood.

With this in mind, the requirement that the label be permanent has been deleted. The label is required to be made of a material which would not be readily removed intact. Also the location of the label is not specified but is subject to the approval by the Administrator. It should be understood that material chosen for the label should fit the environment in which it is to be installed. Since the label itself is nontransferable, the engine or vehicle identification number, will no longer be required. The required content of the label is reduced to the campaign number and the repair facility code.

Finally, the amendment also provides the Administrator with the discretion to suspend any or all of the label requirements when he determines that they present an unwarranted burden to the manufacturer.

The above discussion presupposes that the label will serve a useful function. As noted earlier, the preamble to the Recall Regulations described the potential benefits of the label in the context of state inspection programs. Chrysler questions this utility by citing a number of hypothetical situations that would cause significant problems in determining which vehicles should or should not have a campaign label. The hypothetical situations cited by Chrysler could, in fact, occur and may result in the problems

suggested, but these possibilities are not sufficient to justify the deletion of the label in its entirety. First, the revisions described above are a less drastic means to avoid some of the possible burdens that may arise under the Chrysler hypotheticals. Secondly, there are readily conceivable recalls to which the label provision could be applied without the potential burdens cited by Chrysler. For example, an emission-related defect which affects a well defined group of vehicles (e.g., "all 1973 vehicles", "all 1974 vehicles with V-8 engines") would present few of the logistical problems in vehicle identification cited by Chrysler in its examples. In such cases, the label would provide a means for state inspection programs to identify vehicles which are subject to a recall campaign and would be instrumental in EPA's own monitoring of the campaign.

This amendment is promulgated under the authority of section 301(a) of the Clean Air Act as amended 42 USC 1857 (g) (a). The amendment implements section 207(c) (1)-(3) of the Clean Air Act, 42 USC 1857f-5(a) (c) (1)-(2).

This amendment shall take effect on August 4, 1975.

Dated: June 26, 1975.

JOHN QUARLES,  
Acting Administrator.

Paragraph (c) of § 85.1803 is amended as follows:

(c) (1). The manufacturer shall require those who perform the repair under the remedial plan to affix a label to each vehicle or engine repaired or, when required, inspected under the remedial plan.

(2) The label shall be placed in such location as approved by the Administrator consistent with State law and shall be fabricated of a material suitable for the location in which it is installed and which is not readily removable intact.

(3) The label shall contain

(i) the recall campaign number; and

(ii) a code designating the campaign facility at which the repair, or inspection for repair was performed.

(4) The Administrator reserves the right to waive any or all of the requirements of this paragraph if he determines that they constitute an unwarranted burden to the manufacturer.

[FR Doc.75-17426 Filed 7-2-75;8:45 am]

#### Title 41—Public Contracts and Property Management

#### CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 147]

#### PART 1-9—PATENTS, DATA, AND COPYRIGHTS

#### Allocation of Rights in Inventions

#### Correction

In FR Doc. 75-11886 appearing at page 19814 in the issue for Wednesday, May 7, 1975 the following changes should be made:



(1) In the text under the subheading **PATENTS RIGHTS—ACQUISITION BY THE GOVERNMENT** contained in § 1-9.107-5, in the first column of page 19818 the 11th line of paragraph (g) now reading "Inventions if the Contractor refuses or" should read "Inventions to determine compliance with". In the same text, in paragraph (h)(1)(iii) in the second column on page 19818, the words "paragraph (a)(2)(ii)" should read "paragraph (e)(2)(ii)".

(2) In § 1-9.109-3 on page 19821 the following should be added to complete the first line of paragraph (4): "personnel concerning novel develop-".

## CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 10]

### PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

#### Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

JUNE 27, 1975.

1. *Purpose.* This regulation establishes ERDA procedures for submission and selection of proposals to conduct commercial demonstrations of all potentially beneficial energy sources and utilization technologies.

2. *Effective date.* This regulation is effective July 3, 1975.

3. *Expiration date.* This regulation will remain in effect until canceled and replaced by a permanent ERDA Procurement Regulation.

4. *Applicability.* This regulation is promulgated pursuant to section 8(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, 42 USC 5901-5915), and it applies to demonstrations performed under this authority by educational institutions, other not-for-profit or non-profit organizations and commercial or industrial organizations, or other private entities, or by any public entities, including state and local governments, but not other Federal agencies.

5. *Background.* A proposed regulation establishing procedures for submission, evaluation and selection of proposals submitted in response to Program Opportunity Notices for commercial demonstrations and for unsolicited proposals for such demonstrations was published in the **FEDERAL REGISTER**, Vol. 40, No. 72, April 14, 1975. Interested parties were given until May 14, 1975 to provide written comments concerning the proposed regulation. Comments were received from various private parties and non-Federal governmental organizations. The primary thrust of these comments concerned the applicability of the proposed regulation to demonstrations in which these parties and organizations might seek to participate. As a result of these comments, the regulation has been revised to more clearly state the types of organizations and entities that may seek ERDA assistance in carrying out commercial demonstrations, as well as to

more definitively state the types of demonstrations that would come within the scope of the regulation.

6. *Explanation of change:* In 41 CFR Part 9-4, Special Types and Methods of Procurement, Subpart 9-4.57, Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations, is added as follows:

#### Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

Sec.

- 9-4.5700 Authority.
- 9-4.5701 Application.
- 9-4.5702 Scope and purpose.
- 9-4.5703 Background.
- 9-4.5704 Policy.
- 9-4.5704-1 General.
- 9-4.5704-2 Information to be included in Program Opportunity Notices.
- 9-4.5704-3 Information to be provided in proposals offered pursuant to Program Opportunity Notices.
- 9-4.5705 Assistance and participation.
- 9-4.5705-1 Forms of assistance and participation.
- 9-4.5705-2 Cost sharing.
- 9-4.5706 Evaluation and selection.
- 9-4.5707 Unsolicited proposals for commercial demonstrations.

#### Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

##### § 9-4.5700 Authority.

These regulations are promulgated pursuant to Section 8(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577, 42 USC 5901-5915).

##### § 9-4.5701 Application.

These regulations apply to demonstrations performed under this authority by educational institutions, other not-for-profit or nonprofit organizations and commercial or industrial organizations, or other private entities, or by any public entities, including state and local governments, but not other Federal agencies.

##### § 9-4.5702 Scope and purpose.

(a) These regulations establish procedures for the submission, evaluation and selection of (1) competitive concept proposals offered in response to Program Opportunity Notices issued by ERDA to accelerate the demonstration of the technical feasibility and commercial application of all potentially beneficial nonnuclear energy sources and utilization technologies; and (2) unsolicited proposals for such demonstrations.

(b) These regulations apply to demonstrations conducted pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409); the Geothermal Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-410); the Solar Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-433); the Energy Reorganization Act of 1974 (P.L. 93-438); and, the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-

577). ERDA policies and procedures concerning the use of formal solicited procurements for research, development and demonstrations are set forth in Subparts 9-1 through 9-3 of the ERDA Procurement Regulations. ERDA policies and procedures for the submission, evaluation and selection of unsolicited proposals from commercial and not-for-profit organizations for research and development work are set forth in Subpart 9-4.52 of the ERDA Procurement Regulations. ERDA policies and procedures applicable to the submission, evaluation and selection of research proposals from educational institutions and not-for-profit organizations are set forth in Subpart 9-4.51 of the ERDA Procurement Regulations.

##### § 9-4.5703 Background.

(a) The Federal Nonnuclear Energy Research and Development Act of 1974 states that it is the policy of the Congress to develop on an urgent basis the technological capabilities to support the broadest range of energy policy options through conservation and use of domestic resources by socially and environmentally acceptable means.

(b) Accordingly, the Congress directed ERDA to establish and vigorously conduct a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications of all potentially beneficial nonnuclear energy sources and utilization technologies.

(c) In carrying out the demonstration phase of this program, the Administrator of ERDA is authorized to (1) identify opportunities to accelerate the commercial applications of new energy technologies, and to provide Federal assistance for, or participation in, demonstration projects; and (2) enter into cooperative agreements with non-Federal entities to demonstrate the technical feasibility and economic potential of energy technologies on a prototype or full-scale basis.

##### § 9-4.5704 Policy.

##### § 9-4.5704-1 General.

(a) It is ERDA's policy, through the use of Program Opportunity Notices, to provide information concerning scientific and technological areas encompassed by ERDA's program. It is ERDA's intent to encourage the submission of proposals to accelerate the demonstration of the technical, operational, economic and commercial feasibility and environmental acceptability of particular energy technologies, systems, subsystems and components.

(b) ERDA shall, from time to time, issue Program Opportunity Notices for proposals for demonstrations of various forms of nonnuclear energy and technology utilization. These notices shall be prepared by the cognizant Program Office and submitted to the Division of Procurement for concurrence and release.



**§ 9-4.5704-2 Information to be included in Program Opportunity Notices.**

(a) Each Program Opportunity Notice shall include:

- (1) The goal of the intended demonstration effort;
- (2) A time schedule for submission of, and action on, proposals;
- (3) Information, that may be required in addition to that specified in § 9-4.5704-3;
- (4) Evaluation criteria, that may be used in addition to those specified in § 9-4.5706;
- (5) Such other information, terms or conditions that shall apply to the particular Program Opportunity Notices; and
- (6) Place for, and manner of, submission.

**§ 9-4.5704-3 Information to be provided in proposals offered pursuant to Program Opportunity Notices.**

(a) All proposals should be specific and, as a minimum, include the information set forth below.

- (1) Name and address of the entity(ies) submitting the proposal;
- (2) Date of preparation of submission;
- (3) Type of entity(ies) (public, including State and local governments; and private, including profit, and nonprofit organizations and educational institutions);
- (4) Concise title and abstract of the proposed demonstration project for which assistance or participation is being sought;
- (5) An outline and discussion of the proposed demonstration which shall, if applicable and to the extent possible, include:
  - (i) Specification of the technology;
  - (ii) Description of prior pilot plant operating experience with the technology;
  - (iii) Preliminary design of the demonstration plant;
  - (iv) Time tables containing proposed construction or fabrication and installation and operation plans;
  - (v) Budget-type estimates of construction or fabrication and operating costs;
  - (vi) Description and proof of title to land for proposed site, natural resources, electricity and water supply and logistical information related to access to raw materials to construct and operate the plant and to dispose of salable products produced from the plant;
  - (vii) Assessment of the environmental impact of the proposed plant and plans for disposal of wastes resulting from the operation of the plant;
  - (viii) Plans for commercial use of the technology if the demonstration is successful;
  - (ix) Plans for continued use of the plant if the demonstration is successful; and
  - (x) Plans for dismantling of the plant if the demonstration is unsuccessful or otherwise abandoned;
  - (xi) Form and amount of assistance or participation being sought (see § 9-4.5705-1); and
  - (xii) Form and amount of funding, or other contribution to be provided by the proposer.

The information called for under this section relates primarily to a demonstration project involving the construction and operation of a "plant." In instances where the proposed project concerns a demonstration that does not involve a plant (for example, the demonstration of a process, apparatus, device), the individual Program Opportunity Notice shall state what additional information is to be submitted with the proposal.

- (6) Names of the key personnel to be involved, brief biographical information, including relevant experience;
- (7) A current financial statement;
- (8) Period for which proposal is valid;
- (9) Names and telephone numbers of proposer's primary business and technical personnel whom ERDA may contact during evaluation or negotiation;
- (10) Each proposal containing technical data or proprietary or business confidential information, which the proposer intends to be used by ERDA for evaluation purposes only, should be marked on the cover sheet with the legend prescribed in § 9-3.150-4 of the ERDA Procurement Regulations; and
- (11) Signature of an official of the proposing organization authorized to contractually obligate such organization.

**§ 9-4.5705 Assistance and participation.**

**§ 9-4.5705-1 Forms of assistance and participation.**

(a) In providing for the carrying out of demonstrations under the Federal Nonnuclear Energy Research and Development Act, ERDA may utilize various forms of Federal assistance and participation. These forms of assistance and participation include but are not limited to:

- (1) Contracts;
- (2) Grants;
- (3) Loans;
- (4) Incentives, including financial awards, to individual inventors;
- (5) Joint Federal-industry demonstration corporation; and
- (6) Federal purchase(s) or guaranteed price of the products of the demonstration project.

A Program Opportunity Notice may highlight a particular form(s) of assistance or participation deemed most suitable to a proposed demonstration; or, when justified, limit consideration or assistance or participation to a particular form(s).

**§ 9-4.5705-2 Cost sharing.**

(a) The provisions contained in Subpart 9-4.56 of the ERDA Procurement Regulations outlining ERDA's cost sharing policy shall apply to proposals submitted hereunder, except as hereinafter provided.

(b) When a proposal contemplates ERDA's direct financial support the resulting demonstration project must be conducted on a cost-shared basis. ERDA's financial support shall be only to the extent of the Federal share of the estimated total design, construction, operation and maintenance costs. Payment of fees to the non-Federal cost sharer(s) is prohibited. The non-Federal

cost share may be in any form, including, but not limited to, cash, real property or interest therein, personal property or services. The value of any non-monetary, non-Federal cost share shall be determined by ERDA.

**§ 9-4.5706 Evaluation and selection.**

(a) *General policy.* Information contained in proposals offered in response to Program Opportunity Notices shall be treated in accordance with the policies and procedures set forth in § 9-3.150 of the ERDA Procurement Regulations pertaining to the marking and handling of proprietary data and privileged business information.

(b) *Preliminary review.* Prior to making a comprehensive evaluation of a proposal, the receiving office shall determine that it:

- (1) Contains sufficient technical, cost and other information to enable comprehensive evaluation; and
- (2) Has been signed by a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

If the proposal does not meet these requirements, a comprehensive evaluation need not be made. In such cases a prompt reply shall be sent to the proposer, indicating the reason(s) for its not being selected for support under the Program Opportunities Notice.

(c) *Comprehensive evaluation.* When the estimated amount of the Federal investment that would be required to support a proposal(s) offered in response to a Program Opportunity Notice will necessitate specific legislative authorization by the Congress, comprehensive evaluation shall be conducted by a specially constituted board which shall follow such policies and procedures of the ERDA formal Source Evaluation Board process as may be appropriate under the circumstances. When the estimated amount of the Federal investment will not necessitate specific legislative authorization, comprehensive evaluation shall be conducted by a panel, which shall be appointed by the cognizant Program Office, and shall include representation from the Division of Procurement. Every proposal that is retained for comprehensive evaluation shall have attached or imprinted a legend identifying it as proposal, and stating that it may be used only for purposes of evaluation. Both the general criteria set forth in subsections (c) (1) through (5) below and the specific criteria set forth in subsections (d) (1) through (7) below, as well as any additional special criteria which may be contained in the particular Program Opportunity Notice, shall be considered in evaluating proposals.

(1) The overall technical feasibility of the proposed effort;

(2) The potential contribution which the proposed effort is expected to have, if supported at this time, on ERDA's responsibility to carry out programs so as to assist in solving energy extraction and storage, transportation, conversion, waste utilization, conservation, and the energy utilization efficiency problems of



various areas and regions, under representative geological, geographic and environmental conditions;

(3) The capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the objective(s) of the proposal;

(4) The qualifications, capabilities and experience of the proposed key personnel; and

(5) The ability of the proposer to furnish necessary financial support.

(d) *Specific evaluation criteria.* In evaluating proposals for a potential demonstration project, the following criteria shall be used:

(1) The anticipated objectives to be achieved by the activities or facilities proposed;

(2) The economic, environmental, and societal costs and benefits which a successful demonstration program may have for the national fuels and energy system;

(3) The availability of non-Federal participant(s) to construct and operate the facilities or experiment or perform the activities associated with the proposal and to contribute to financing the proposal;

(4) The total estimated cost including the Federal investment and the probable time schedule;

(5) The proposed participants and the proposed financial contributions of the Federal Government and of the non-Federal participants;

(6) The proposed cooperative arrangement, agreements among the participants, and form of management of the activities;

(7) The relationship of the proposal to the following priorities:

(i) The urgency of public need for the potential results of the proposed demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance.

(ii) The potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial utilization of proprietary knowledge appear inadequate to encourage timely results.

(iii) The extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance.

(iv) There are limited opportunities to induce non-Federal support of the undertaking through regulatory actions, end-use controls, tax and price incentives, public education, or other alternatives to direct Federal financial assistance.

(v) The degree of risk of loss of investment inherent in the demonstration is high, and the availability of risk capital to the non-Federal entities which might otherwise engage in this effort is inadequate for the timely development of the technology.

(vi) The magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants.

#### § 9-4.5707 Unsolicited proposals for commercial demonstrations.

(a) Consistent with ERDA's policy set forth in Subpart 9-4.52 of the ERDA Procurement Regulations, when a received document otherwise qualifies as an unsolicited proposal under this Part, but its substance is generally known and may be obtained without restriction by formal competitive solicitation or Program Opportunity Notice, or its substance closely resembles that of a pending formal competitive solicitation or Program Opportunity Notice, ERDA's policy of obtaining competition applies.

(b) Unsolicited proposals for nonnuclear energy demonstration activities not covered by existing formal competitive solicitations or Program Opportunity Notices should be prepared using the information requirements of § 9-4.5704-3 as a guideline; may request Federal assistance or participation pursuant to § 9-4.5705-1; and shall be subject to the cost sharing provisions of § 9-4.5705-2.

(c) Unsolicited proposals should be addressed to the cognizant Program Office as follows:

U.S. Energy Research and Development Administration, ATTN: (Insert appropriate Division), Washington, DC 20545.

The Program Offices and Divisions are:

*Office of the Assistant Administrator for Fossil Energy.*<sup>1</sup> Division of Advanced Research and Supporting Technology. Division of Coal Conversion and Utilization. Division of Petroleum, Natural Gas, and In Situ Technology.

*Office of the Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems.* Division of Physical Research. Division of Controlled Thermonuclear Research. Division of Geothermal Energy. Division of Solar Energy.

*Office of the Assistant Administrator for Conservation.* Division of Buildings and Industry. Division of Interprogram Applications. Division of Conservation Research and Technology. Division of Electric Energy Systems. Division of Transportation Energy Conservation.<sup>2</sup>

U.S. Energy Research and Development Administration, Division of Transportation, 2929 Plymouth Road, Ann Arbor, MI 48105.

(d) When an unsolicited proposal is received initially by an ERDA field installation or non-cognizant Headquarters Office, it shall be forwarded to the cognizant Program Office. Information contained in unsolicited proposals shall be treated in accordance with the policies and procedures set forth in § 9-3.150 of the ERDA Procurement Regulations. Unsolicited proposals shall be acknowledged as soon as possible after receipt, and the proposer shall be informed, in writing, of the ultimate disposition of the proposal.

(e) The cognizant Program Office shall appoint a panel, which shall include representation from the Division of Procurement, to evaluate each unsolicited proposal, and to recommend whether the

<sup>1</sup> Send all fossil energy proposals to the attention of the Evaluation and Review Staff rather than one of the Divisions.

<sup>2</sup> This Division is not located in Washington, D.C. Send to:

proposal should be supported. Unsolicited proposals will be evaluated in accordance with the criteria set forth in § 9-4.5706.

(f) A favorable evaluation of an unsolicited proposal is not, in and of itself, sufficient justification for negotiating on a noncompetitive basis with the proposer. When an unsolicited proposal has received a favorable evaluation and it is determined that the substance thereof is not available to ERDA without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis. The Program Office sponsoring the procurement shall, prior to the negotiation of a contract or other agreement, make the findings and determination required to support a negotiated procurement (§ 9-3.301 of the ERDA Procurement Regulations).

AUTHORITY: Sec. 105, Energy Reorganization Act of 1974 (P.L. 93-438).

JOSEPH L. SMITH,  
Director of Procurement.

[FR Doc.75-17461 Filed 7-2-75;8:45 am]

#### Title 45—Public Welfare

#### CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

#### Utilization Review; Deferral of Effective Date of Regulations

This Notice defers, until July 30, 1975, the effective date of certain regulatory provisions published November 29, 1974 (39 FR 41604, 41610) governing the requirement for admission review in hospitals under the Medicare and Medicaid programs.

On May 27, 1975, the United States District Court for the Northern District of Illinois in the case of *American Medical Association v. Weinberger*, Civil Action No. 75 C 560, issued a preliminary injunction pending a final disposition on the merits of the action, prohibiting the Department from enforcing or implementing 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a) (1) (viii). The Department has noticed and is pursuing an appeal from the injunction. The Department also applied to the United States Court of Appeals for the Seventh Circuit for a stay of the preliminary injunction. On June 30, 1975, the Court of Appeals denied the Department's application for a stay of the District Court's order pending appeal.

In view of the Court of Appeals decision not to stay the District Court's order prohibiting the implementation of these regulatory provisions at this time, we will delay enforcement and implementation of these provisions until the Court of Appeals rules on the Department's appeal from the District Court's order. We anticipate a ruling very shortly, since the oral argument is scheduled for July 10. Accordingly, notice is hereby given that the effective



date of 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a)(1)(viii) is delayed until July 30, 1975.

NOTE. This document also appears in the Rules and Regulations section of this issue under Title 20.

Dated: July 1, 1975.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc.75-17457 Filed 7-2-75;8:45 am]

# Title 49—Transportation

## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 25; Notice 18]

### PART 575—CONSUMER INFORMATION REGULATIONS

#### Uniform Tire Quality Grading Standards; Republication of Rule

This notice republishes, with minor changes, paragraphs (e)(1)(v) and (f)(2)(i)(B), Figure 2, and the appendices of § 575.104, *Uniform Tire Quality Grading Standards*, which was published May 28, 1975 (40 FR 23073; Notice 17).

In describing the rims on which candidate tires are to be mounted, Notice 17 inadvertently referred to the Appendix to Standard No. 110. On February 6, 1975, the definition of "test rim" in Standard No. 109 was amended and the Appendix to Standard No. 110 was deleted (Docket No. 74-25; Notice 2; effective August 5, 1975). Under the new definition, a "test rim" may be any of several widths, only one of which is equal to that listed under the words "test rim width" in Table I of the Appendix to Standard No. 109. Paragraphs (e)(1)(v) and (f)(2)(i)(B) are corrected to specify the rim mounting scheme in terms of the new definition.

As Figure 2 was published in the FEDERAL REGISTER, the words "DOT Quality Grades" appeared as the Figure's title. In fact, the words are a part of the text which must appear on each tread label required by paragraph (d)(1)(B), and accordingly the figure is republished with the correct title.

The treadwear test course described in Appendix A is changed so that the loops are traveled in the following order: south, east, and northwest. This change is designed to increase safety by reducing the number of left turns. The table of key points and mileages is revised to reflect the change. Corresponding changes are

made in the numbers used to designate these points in the text and in Figure 3.

To prevent the bunching of test vehicles at STOP signs and thereby increase safety, the speed to which vehicles must decelerate when abreast of the direction sign is changed in Appendix A to read "20 mph".

The reference to Figure 2 in the second paragraph of Appendix B is corrected to indicate that the asphalt skid pad is depicted in Figure 4. The shading of the skid pads is corrected to correspond to the description in the text.

The first two paragraphs of Appendix C, *Method of Least Squares*, were omitted. Those paragraphs are now inserted and the graph is designated as Figure 5.

In consideration of the foregoing, paragraphs (e)(1)(v) and (f)(2)(i)(B), Figure 2, and the appendices to § 575.104 of Title 49, Code of Federal Regulations, are republished to read as set forth below.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51.)

Issued on June 25, 1975.

JAMES B. GREGORY,  
Administrator.

#### § 575.104 Uniform Tire Quality Grading Standards.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(v) On each convoy vehicle, all tires are mounted on identical rims: either a "test rim" as defined with respect to that tire in paragraph S3 of Standard No. 109 (§ 571.109 of this chapter) which is of the width listed for the applicable tire size designation under the words "test rim width" in Table I of the Appendix to Standard No. 109, or such a "test rim" having a width within  $-0+0.50$  inches of the width listed.

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(i) \* \* \*

(B) Mount each tire on a "test rim" as defined in paragraph S3 of Standard No. 109 (§ 571.109 of this chapter) which is of a width within  $-0+0.50$  inches of the width listed for the applicable tire size designation under the words "test rim width" in Table I of the Appendix to Standard No. 109. Then inflate the tire to 24 psi.

\* \* \* \* \*

#### FIGURE 2—DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS IN ADDITION TO THESE GRADES

##### Treadwear

The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 200 would wear twice as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices, and differences in road characteristics and climate.

##### Traction\*\*, \*, and 0

The traction grades are \*\* (the highest), \*, and 0, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surfaces. A tire marked 0 for traction may have poor traction performance.

##### Temperature: A, B, and C

The temperature grades are A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law.

#### APPENDIX A—TREADWEAR TEST COURSE AND DRIVING PROCEDURES

*Introduction.* The test course consists of three loops of a total of 400 miles in the geographical vicinity of Goodfellow AFB, San Angelo, Texas.

The first loop runs south 143 miles through the cities of Eldorado, Sonora, and Juno, Texas, to the Camp Hudson Historical Marker, and returns by the same route.

The second loop runs east over Farm and Ranch Roads (FM) and returns to its starting point.

The third loop runs northwest to Water Valley, northeast toward Robert Lee and returns via Texas 208 to the vicinity of Goodfellow AFB.

*Route.* The route is shown in Figure 3. The table identifies key points by number. These numbers are encircled in Figure 3 and in parentheses in the descriptive material that follows.

*Southern Loop.* The course begins at the intersection (1) of Ft. McKavitt Road and Paint Rock Road (FM388) at the northwest corner of Goodfellow AFB.

Drive east via FM 388 to junction with Loop Road 306 (2). Turn right onto Loop Road 306 and proceed south to junction with US277 (3). Turn onto US277 and proceed south through Eldorado and Sonora (4), continuing on US277 to junction with FM189 (5). Turn right onto FM189 and proceed to junction with Texas 163 (6). Turn left onto Texas 163, proceed south to Camp Hudson Historical Marker (7) and U-turn in highway. Reverse route to junction of Loop Road 306 and FM 388 (2).



**Eastern Loop.** From junction of Loop Road 306 and FM388 (2) make right turn onto FM388 and drive east to junction with FM-2334 (13). Turn right onto FM2334 and proceed south across FM765 (14) to junction of FM2334 and US87 (15). Make U-turn and return to junction of FM388 and Loop Road 306 (2) by the same route.

**Northwestern Loop.** From junction of Loop Road 306 and FM388 (2), make right turn onto Loop Road 306. Proceed onto US277, to junction with FM2105 (8). Turn left onto FM2105 and proceed west to junction with US87 (10). Turn right on US87 and proceed northwest to the junction with FM2034 near the town of Water Valley (11). Turn right onto FM2034 and proceed north to Texas 208 (12). Turn right onto Texas 208 and proceed south to junction with FM2105 (9). Turn left onto FM2105 and proceed east to junction with US277 (8). Turn right onto US277 and proceed south onto 306 to junction with 388 (2). Turn right onto 388 and proceed to starting point at junction of Ft. McKavitt Road and FM388 (1).

**Driving instructions.** The drivers shall run at posted speed limits throughout the course unless an unsafe condition arises. If such condition arises, the speed should be reduced to the maximum safe operating speed.

**Braking Procedures at STOP signs.** There are a number of intersections at which stops are required. At each of these intersections a series of signs is placed in a fixed order as follows:

#### SIGN LEGEND

Highway Intersection 1000 (or 2000) Feet

STOP AHEAD

Junction XXX

Direction Sign (Mereta→)

STOP or YIELD

**Procedures.** 1. Approach each intersection at posted speed limit.

2. When abreast of the STOP AHEAD sign, apply the brakes so that the vehicle decelerates smoothly to 20 mph when abreast of the direction sign.

3. Come to a complete stop at the STOP sign or behind any vehicle already stopped.

**Key points along treadwear test course, approximate mileages, and remarks**

	Mileages	Remarks
1 Fort McKavitt Rd. and F.M. 388.	0	
2 F.M. 388 and loop 306.	3	STOP
3 Loop 306 and U.S. 277.	10	
4 Sonora.	72	
5 U.S. 277 and F.M. 189.	88	
6 F.M. 189 and Texas 163.	124	
7 Historical marker (Camp Hudson).	143	U-TURN
4 Sonora.	214	
3 Loop 306 and U.S. 277.	276	
2 F.M. 388 and loop 306.	283	
13 F.M. 388 and F.M. 2334.	290	STOP
14 F.M. 2334 and F.M. 765.	292	STOP
15 F.M. 2334 and U.S. 87.	295	STOP/ U-TURN
14 F.M. 2334 and F.M. 765.	298	STOP
13 F.M. 388 and F.M. 2334.	300	STOP
2 F.M. 388 and loop 306.	307	STOP
8 U.S. 277 and F.M. 2105.	313	
9 F.M. 2105 and Texas 208.	317	STOP
10 F.M. 2105 and U.S. 87.	320	STOP
11 F.M. 2034 and U.S. 87.	338	
12 F.M. 2034 and Texas 208.	362	STOP
9 F.M. 2105 and Texas 208.	387	
8 F.M. 2105 and U.S. 277.	391	YIELD
2 F.M. 388 and loop 306.	397	
1 Fort McKavitt Rd. and F.M. 388.	400	

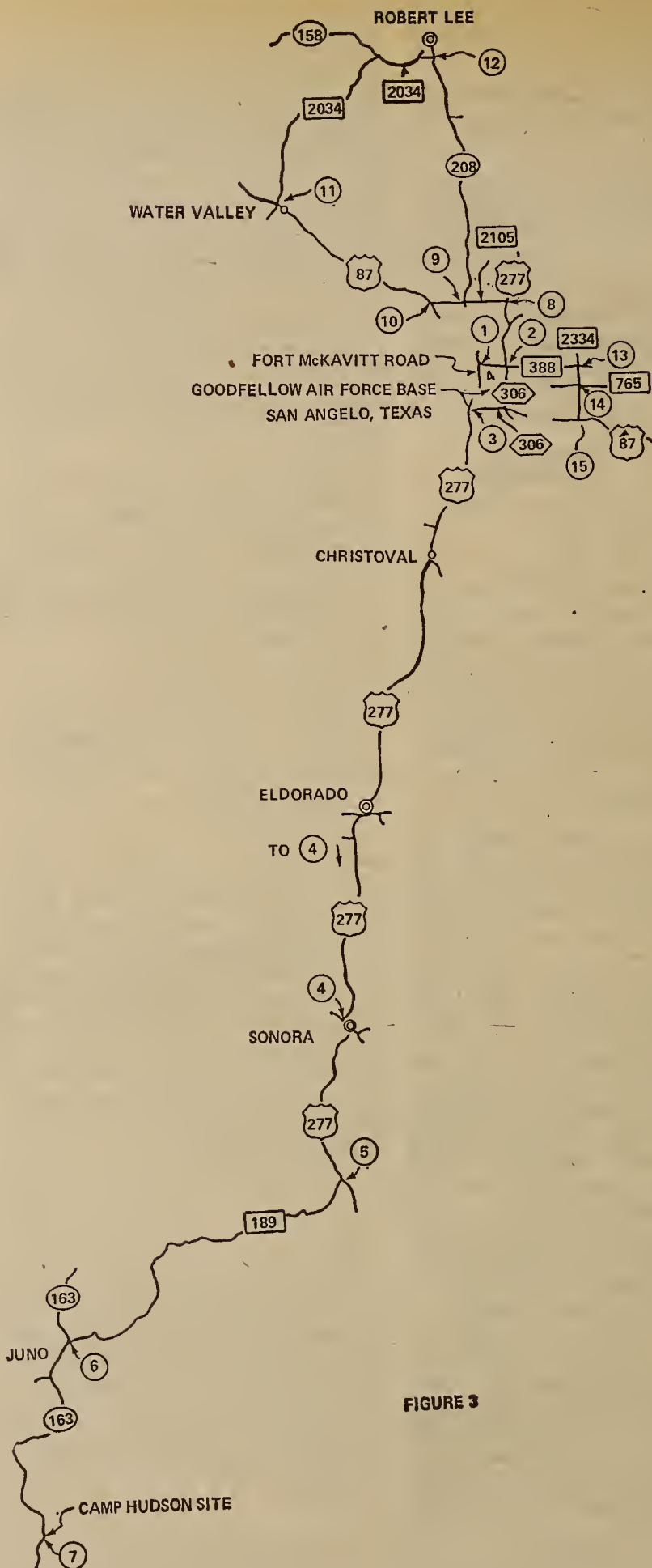


FIGURE 3



#### APPENDIX B—TRACTION SKID PADS

Two skid pads have been laid on an unused runway and taxi strip on Goodfellow AFB. Their location is shown in Figure 4.

The asphalt skid pad is 600 ft. x 60 ft. and is shown in black on the runway in Figure 4. The pad is approached from either end by

a 75 ft. ramp followed by 100 ft. of level pavement. This arrangement permits the skid trailers to stabilize before reaching the test area. The approaches are shown on the figure by the hash-marked area.

The concrete pad is 600 ft. x 48 ft. and is on the taxi strip. The approaches to the con-

crete pad are of the same design as those for the asphalt pads.

A two lane asphalt road has been built to connect the runway and taxi strip. The road is parallel to the northeast-southwest runway at a distance of 100 ft. The curves have super-elevation to permit safe exit from the runway at operating speeds.

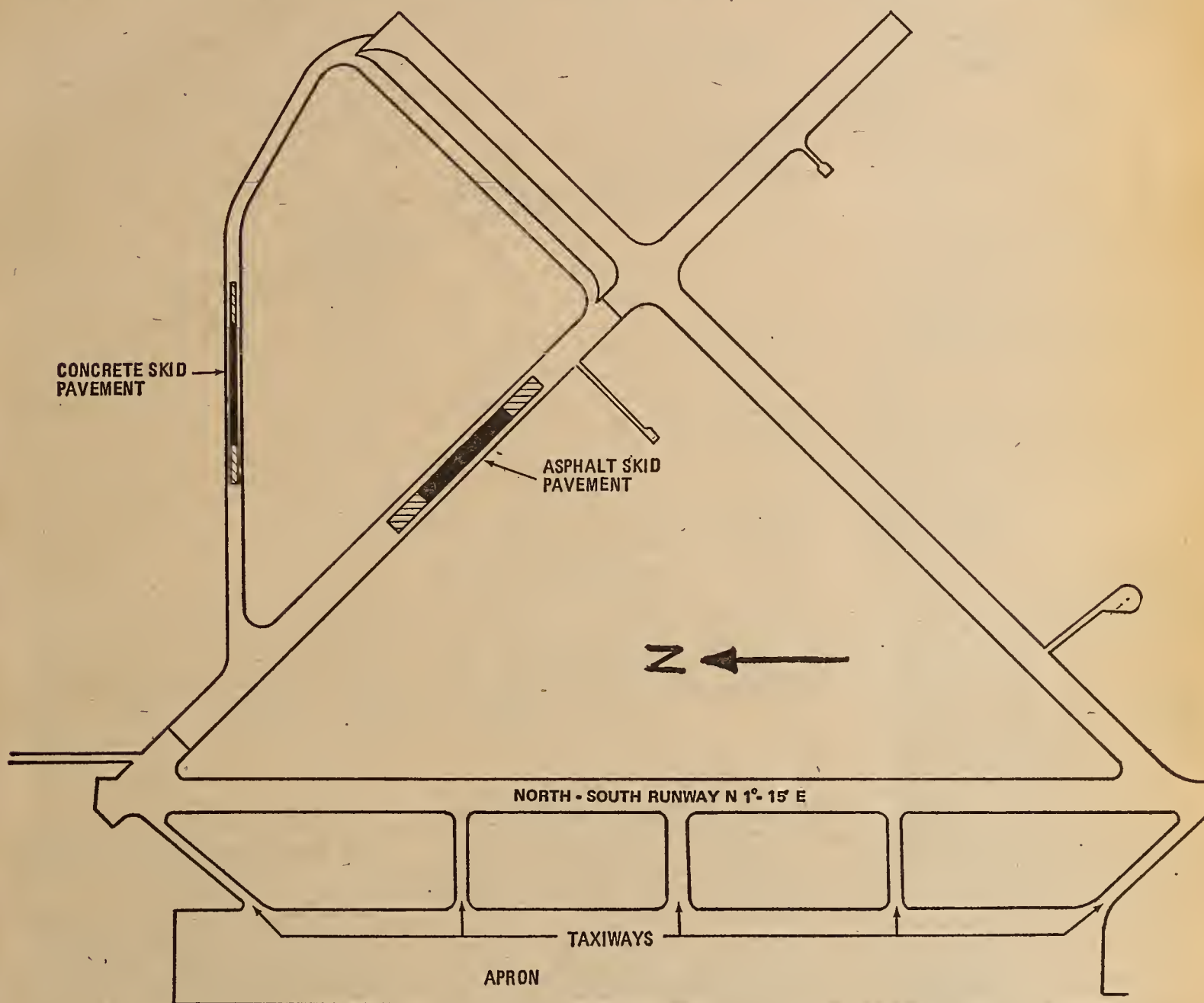


FIGURE 4

#### APPENDIX C—METHOD OF LEAST SQUARES

The method of least squares is a method of calculation by which it is possible to obtain a reliable estimate of a true physical relationship from a set of data which involve random error. The method may be used to establish a

regression line that minimizes the sum of the squares of the deviations of the measured data points from the line. The regression line is consequently described as the line of "best fit" to the data points. It is described in terms of its slope and its "y" intercept.

The graph in Figure 5 depicts a regression line calculated using the least squares method from data collected from a hypothetical treadwear test of 6,400 miles, with tread depth measurements made at every 800 miles.



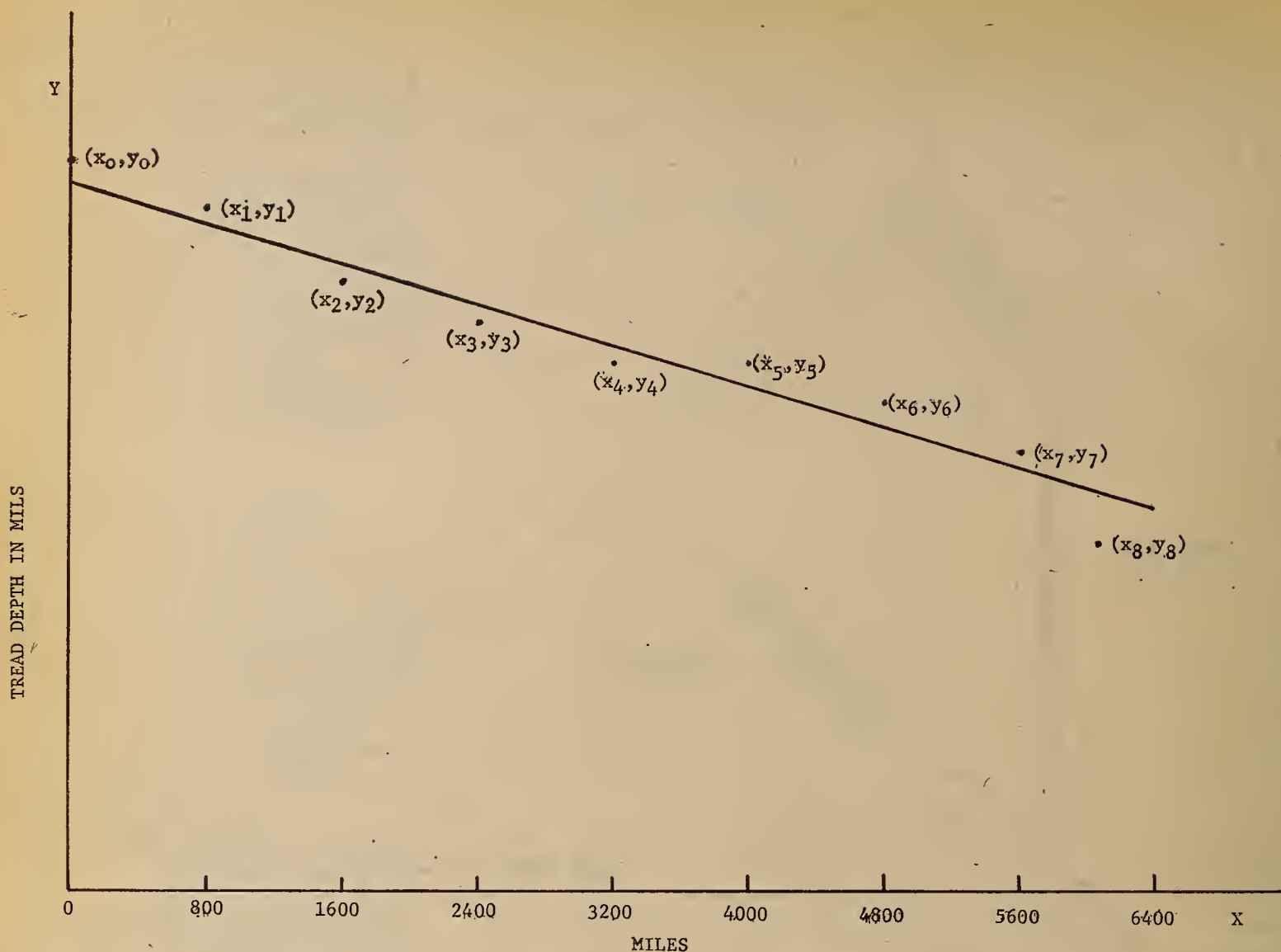


FIGURE 5

In this graph,  $(x_j, y_j)$  [ $j=0, 1, \dots, 8$ ] are the individual data points representing the tread depth measurements (the overall average for the tire with 6 measurements in each tire groove) at the beginning of the test

(after break-in) and at the end of each 800-mile segment of the test.

The absolute value of the slope of the regression line is an expression of the mils of tread worn per 1,000 miles, and is calculated by the following formula:

$$b = 1000 \frac{\left( \sum_{j=0}^8 x_j y_j - \frac{1}{9} \sum_{j=0}^8 x_j \sum_{j=0}^8 y_j \right)}{\sum_{j=0}^8 x_j^2 - \frac{1}{9} \left( \sum_{j=0}^8 x_j \right)^2}$$

The "y" intercept of the regression line (a) in mils is calculated by the following formula:

$$a = \frac{1}{9} \sum_{j=0}^8 y_j - \frac{b}{9000} \sum_{j=0}^8 x_j$$

[FR Doc. 75-17152 Filed 7-2-75; 8:45 am]

[Docket No. 25; Notice 19]

#### PART 575—CONSUMER INFORMATION REGULATIONS

##### Uniform Tire Quality Grading Standards; Response to Applications for Stay

This notice responds to applications for a stay of the effective dates of the Uniform Tire Quality Grading Standards issued on May 20, 1975, and published May 28, 1975 (40 FR 23073, Notice 17). A petition for review of that rule was filed in the United States Court of Appeals for the Sixth Circuit on May 21, 1975, by the following tire manufacturers: B. F. Goodrich Co., Goodyear Tire & Rubber Co., Cooper Tire & Rubber Co., General Tire & Rubber Co., Firestone Tire & Rubber Co., and Mansfield Tire & Rubber Co. On May 27, 1975, these petitioners applied to the NHTSA, pursuant to 5 U.S.C. 705, for a stay of



the rule's effective dates during the pendency of the judicial review proceedings. On June 2, 1975, Uniroyal Inc. and Armstrong Rubber Co. filed a petition for review of the rule in the United States Court of Appeals for the Second Circuit. Similarly, these petitioners applied to the NHTSA on June 9, 1975, for a stay of the rule's effective dates. For the reasons set out below, the applications are denied.

Petitioners have suggested that the NHTSA is already on record as favoring a stay of the type requested, because of uncertainty concerning the rule's ultimate applicability. That suggestion is incorrect. Although in a docketed meeting memorandum (Docket No. 25, Notice 15, Entry No. 40) an NHTSA representative had previously stated that it might be premature for a manufacturer to begin testing, the statement was made over 4 months ago, when the standards were still in the proposal stage and a final rule based on current proposals had not been issued. The issuance of a final rule is normally the time at which a regulated person is expected to begin full-scale preparation for conformity by the stated effective date. While the rule could possibly be changed in response to petitions for reconsideration, any such changes made by the NHTSA would take account of the fact that the manufacturers are already testing for compliance.

The only other uncertainty concerns the possibility that the reviewing court may require changes in or withdrawal of the rule. The NHTSA would not have issued the Uniform Tire Quality Grading Standards were it not confident that the rule would withstand all court challenges. Petitioners have presented no new information which would cause the NHTSA to doubt the rule's appropriateness or legality.

The cost arguments raised by petitioners have been fully considered by the NHTSA in the course of development and issuance of the rule in question. An analysis of the cost and other economic implications of the quality grading requirements was recently entered in the rulemaking docket. Although the NHTSA's cost calculations, as set forth in that analysis, differ from those submitted by manufacturers, this agency has concluded that, even assuming the validity of the cost claims made by manufacturers, the rule meets the statutory directive. Specifically, a uniform quality grading system for tires was mandated by Congress in Section 203 of the National Traffic and Motor Vehicle Safety Act of 1966. The rule in question was issued in response to that mandate and pursuant to an order of the U.S. District Court for the District of Columbia. It represents the culmination of many years of development, including extensive research and repeated exchanges of views with the tire industry and the public. Any delay of the rule's effective dates would unnecessarily deprive consumers of those facts which are necessary to make more informed purchases of pas-

senger car tires and would therefore not be in the public interest.

For these reasons, the applications for a stay of effective dates are denied.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51)

Issued on June 30, 1975.

JAMES B. GREGORY,  
Administrator.

[FR Doc.75-17423 Filed 6-30-75;4:27 pm]

#### Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-40; Amdt. 39-2251]

## PART 39—AIRWORTHINESS DIRECTIVES

### Fairchild Hiller

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 75-03-04 applicable to Fairchild Hiller FH1100 type helicopters.

A review of the procedures required by AD 75-03-04 establishes that the time of inspection may be increased and the area of inspection reduced.

In view of the foregoing and because the amendment is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending and revising AD 75-03-04 as follows:

FAIRCHILD (HILLER). Amend Airworthiness Directive 75-3-4, Amendment 39-2071 to read as follows:

FAIRCHILD (HILLER). Applies to model 1100 and FH1100 type helicopters certificated in all categories.

To detect cracks in the tail fin spar channel, P/N 24-62030-7 or P/N 24-62030-43 in the area of the tail rotor gear box mount, P/N 24-62006-3, accomplish the following inspection or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, within the next five hours in service after the effective date of this AD unless already accomplished within the last 95 hours in service and at every 100 hours in service thereafter:

1. Remove tail rotor gear box fairing and fin leading edge cover.

2. Clean the tail fin spar in an area one inch in diameter around the left and right forward attachment bolts (two of ten to which the tail rotor gear box mount is attached to the spar) and the spar surface between these two attachments and forward, for a distance of 1½ inches with metachlor or equivalent grease and oil remover by light scrubbing with a stiff bristle brush.

3. Inspect the cleaned area for cracks with at least a ten power magnifying glass by looking through the front end of the tail rotor gear box mount fitting.

4. If a crack is found, replace with an uncracked fin assembly that has been inspected in accordance with the above pro-

cedure or alter fin in accordance with an alteration approved by the Chief, Engineering and Manufacturing Branch, Eastern Region before further flight.

This amendment is effective July 8, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, 1423]; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 24, 1975.

R. J. VAN VUREN,  
Acting Director, Eastern Region.

[FR Doc.75-17316 Filed 7-2-75;8:45 am]

[Docket No. 75-EA-42; Amdt. 39-2252]

## PART 39—AIRWORTHINESS DIRECTIVES

### Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman G-164 and G-164A type airplanes.

There have been reports of wear and resultant broken strands in the rudder cables. Since this is a deficiency which can exist or develop in similar type design airplanes, an airworthiness directive is being issued which will require a repetitive inspection and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

GRUMMAN AMERICAN AVIATION CORPORATION.  
Applies to Grumman G-164 and G-164A aircraft:

1. Compliance required within 20 hours' time in service after the effective date of this AD, unless already accomplished within the last 80 hours' time in service, and thereafter within 100 hours' time in service from the last inspection.

2. a. Inspect the rudder cables P/N A1860-35, -36 within the cockpit floor board and chafe strip area for fraying.

b. Replace any cables that show broken strands. Defective components must be replaced with the same part number or with approved equivalent parts.

3. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval in this AD.

4. Equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Service Bulletin No. 56, dated May 1, 1975, is concerned with this subject).

This amendment is effective July 8, 1975.



(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 24, 1975.

JAMES BISPO,  
*Acting Director, Eastern Region.*

[FR Doc.75-17315 Filed 7-2-75;8:45 am]

—[Airspace Docket No. 75-GL-27]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On page 20291 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 1.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Standish, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 31, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,  
*Acting Director, Great Lakes Region.*

In § 71.181 (40 FR 441), the following transition area is added:

STANDISH, MICH.

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Standish City Airport (Latitude 43°58'48" N., Longitude 83°58'25" W.).

[FR Doc.75-17308 Filed 7-2-75;8:45 am]

—[Airspace Docket No. 75-GL-26]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On page 20291 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Park Rapids, Minnesota.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 17, 1975.

R. O. ZIEGLER,  
*Acting Director, Great Lakes Region.*

In § 71.181 (40 FR 441), the following transition area is amended to read:

PARK RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Park Rapids Municipal Airport (Latitude 46°53'53" N., Longitude 95°04'08" W.); within 3 miles each side of the 132° bearing from the airport extending from the 6½ mile radius area to 8 miles southeast of the airport; within 3 miles each side of the 320° bearing from the airport extending from the 6½ mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the airport extending from the airport to 18½ miles southeast; within 4½ miles northeast and 9½ miles southwest of the 320° bearing from the airport extending from the airport to 18½ miles northwest.

[FR Doc.75-17309 Filed 7-2-75;8:45 am]

—[Airspace Docket No. 75-GL-24]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On page 20290 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sheridan, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 21, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,  
*Director, Great Lakes Region.*

In § 71.181 (40 FR 441), the following transition area is added:

SHERIDAN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sheridan Airport (Latitude 40°10'33" N., Longitude 86°13'58" W.); within 2.5 miles either side of the 019° bearing from the airport, extending from the 5-mile radius to 6 miles north excluding the portion which overlies the Zionsville, Indiana transition area.

[FR Doc.75-17310 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-23]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Control Zone and Transition Area**

On page 20290 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Rhinelander, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,  
*Acting Director, Great Lakes Region.*

In § 71.171 (40 FR 354), the following control zone is amended to read:

RHINELANDER, WIS.

Within a 5-mile radius of Rhinelander-Oneida County Airport (Latitude 45°37'54" N., Longitude 89°27'35" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 7 miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; and within 2 miles each side of the Rhinelander VORTAC 058° radial extending from the 5-mile radius zone to 7 miles northeast of the VORTAC.

In § 71.181 (40 FR 441), the following transition area is amended to read:

RHINELANDER, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (Latitude 45°37'54" N., Longitude 89°27'35" W.).

[FR Doc.75-17311 Filed 7-2-75;8:45 am]

—[Airspace Docket No. 75-GL-19]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On page 18001 of the FEDERAL REGISTER dated April 24, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Georgetown, Ohio.

Interested persons were given 30 days to submit written comments, suggestions



or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 21, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,  
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

GEORGETOWN, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (Latitude 38°52'55" N., Longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

[FR Doc.75-17312 Filed 7-2-75; 8:45 am]

[Airspace Docket No. 75-GL-30]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On page 20292 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Zionsville, Indiana.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 3, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 17, 1975.

R. O. ZIEGLER,  
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (Latitude 40°02'08" N., Longitude 86°15'18" W.); within 2 miles either side of the 359° bearing extending from the airport to 6 miles north.

[FR Doc.75-17307 Filed 7-2-75; 8:45 am]

[Airspace Docket No. 75-EA-23]

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Alteration of Jet Routes and Area High Routes

On May 20, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 21986) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-150 and J-174 between Hampton, N.Y., and Hyannis, Mass.; realign J-808R between waypoint PATTY and waypoint WHALE; and realign J-809R between waypoint PATTY and waypoint DAVES.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

§ 75.100 (40 FR 705, 39 FR 41520) is amended as follows:

1. In J-150 "Hyannis, Mass.;" is deleted and "INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis;" is substituted therefor.

2. In J-174 "Hyannis, Mass.;" is deleted and "INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis;" is substituted therefor.

§ 75.400 (40 FR 724, 39 FR 41520) is amended as follows:

1. In J-808R "MARYS 41°29'31" N. 70°09'06" W. Nantucket, Mass." is deleted and "Nantucket 41°16'54" N. 70°01'38" W. Nantucket, Mass." is substituted therefor.

2. In J-809R "MARYS 41°29'31" N. 70°09'06" W. Nantucket, Mass." is deleted and "Nantucket 41°16'54" N. 70°01'38" W. Nantucket, Mass." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 27, 1975.

F. L. CUNNINGHAM,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.75-17313 Filed 7-2-75; 8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-915; Amdt. 4]

## PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

### Applications by Canadian Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

Pursuant to a Nonscheduled Air Service Agreement, dated May 8, 1974, executed by the United States and Canada, the Board has made various implementing changes in its issuance of foreign air carrier permits to Canadian carriers authorizing charter services only, under section 402 of the Federal Aviation Act of 1958, as amended, as more fully described and explained in Order 74-6-30, dated June 6, 1974, and Order 74-11-154, served December 3, 1974.

One such change is the replacement of permits authorizing "casual, occasional, and infrequent" flights for small aircraft with permits authorizing only "charter" flights for small aircraft; and another change is to replace the definite duration of such permits with the indefinite duration of the Agreement and of the holder's designation thereunder. These changes necessitate conforming amendments to the special provisions prescribed by Part 211 with respect to applications by Canadian carriers for permits to operate small aircraft across the Canada-United States borders, insofar as certain terms in these special provisions in Part 211 have now been rendered obsolete.

The within rule thus constitutes a technical revision, of a procedural nature, which imposes no burden on anyone, and the Board therefore finds that notice and public procedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 211 of the Economic Regulation (14 CFR Part 211) effective June 27, 1975, as follows:

1. Revise § 211.1 to read as follows:

### § 211.1 Formal requirements.

Applications for permits to engage in foreign air transportation under the terms of section 402 of the act (called foreign air carrier permits in this part) shall meet the requirements set forth in § 302.3 of this chapter as to execution, number of copies, and formal specifications of papers, except that Canadian operators filing applications for foreign air carrier permits authorizing charter flights across the Canada-United States borders with small aircraft (as defined in the current Nonscheduled Air Service Agreement between these two countries) shall file one original and seven true copies of the application. Applications shall be verified, and the verifications shall be subscribed and sworn to before a Notary Public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of applicant's citizenship, an application verified before a United States consular officer will be deemed to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute



a part of the application to which they are attached.

2. Revise § 211.2 to read as follows:

**§ 211.2 Filing and service.**

Applications for foreign air carrier permits shall be forwarded to the Board, through diplomatic channels, by the government of the applicant's country of citizenship, and shall be deemed to have been filed on the date such applications are actually received by the Board: *Provided*, That applications by Canadian operators for foreign air carrier permits authorizing charter flights with small aircraft across the Canada-United States borders shall be filed with the Board through the Air Transport Committee of Canada. Each applicant shall furnish such additional copies of its application, and shall make such service thereof upon such other persons as the Board may at any time require.

3. Revise § 211.4 to read as follows:

**§ 211.4 Incorporation by reference.**

In general it is desirable that incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

(Secs. 204 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17401 Filed 7-2-75; 8:45 am]

[Reg. ER-916; Amdt. 8]

**PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS**

**Canadian Applicants**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

By ER-915, issued contemporaneously herewith, the Board has made various technical revisions to Part 211 of its Economic Regulations, insofar as special provisions are there prescribed for applications by Canadian air carriers for permits authorizing small aircraft operations between the United States and Canada. As explained there, such revisions have been made in order to reflect our regulatory implementation of the Non-scheduled Air Service Agreement which is currently in effect between Canada and the United States.

For the same reasons set forth in our preamble to ER-915, described above, we are also amending this Part 217, in order to conform the requirement which this Part imposes with respect to the filing of reports by foreign air carriers of charters performed with small aircraft.

We are also taking this occasion to amended the definition of "small air-

craft," so as to increase the minimum size of aircraft whose charter operations are not required to be reported under this Part.

Since the within rule constitutes a technical revision, and imposes no burden on anyone, the Board finds that notice and public procedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 217 of the Economic Regulations (14 CFR Part 217), effective June 27, 1975, as follows:

1. Revise the definition of "small aircraft" set forth in § 217.1, the said section as amended to read in part as follows:

**§ 217.1 Definitions.**

"Small aircraft" means aircraft with a maximum takeoff weight of 18,000 pounds or less.

2. Revise § 217.2 to read as follows:

**§ 217.2 Applicability.**

This part applies to foreign air carriers which are authorized to perform civil aircraft charters to or from the United States: *Provided, however*, That foreign air carriers operating charter flights to or from the United States with small aircraft only (as defined in § 217.1) shall not be subject to the requirements of this part.

3. Revise paragraph (a) of § 217.6 to read as follows:

**§ 217.6 Reporting instructions.**

(a) A complete report shall be made on this form for the overall or system operations conducted by a foreign air carrier to or from the United States: *Provided, however*, That charter flights with small aircraft (as defined in § 217.1) shall not be reported.

(Secs. 204 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17403 Filed 7-2-75; 8:45 am]

[Reg. ER-919; Amdt. 43]

**PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION**

**Logair and Quicktrans Services**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 30, 1975.

On May 16, 1975, Saturn Airways, Inc. (Saturn) filed a petition for reconsideration of ER-906, effective May 2, 1975,<sup>1</sup> establishing increased interim final minimum rates applicable to Logair and Quicktrans domestic cargo charter air transportation services performed for the Department of Defense (DOD), as con-

tracted by the Military Airlift Command (MAC).<sup>2</sup>

As more fully set forth in Order 75-6-144, being issued simultaneously with this rule amendment, the Board denied Saturn's petition insofar as it requested retroactive rate adjustment beginning May 2, 1975, the effective date of ER-906. However, we will, as further indicated in Order 75-6-144, amended prospectively the Logair/Quicktrans rates consistent with Saturn's revised Form 243 reports for the calendar year 1974.<sup>3</sup> Furthermore, since the rates are being adjusted, petitions for reconsideration thereon will be permitted.

The amendments reflecting the foregoing increases are to be effective seven calendar days after adoption of this rule, in conformance with the procedure followed in ER-888 and ER-906. Interested persons may file petitions for reconsideration of the within amendments. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before July 14, 1975. Copies of any petitions filed will be available for inspection and copying in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within amendment. Any action taken in response to such petitions will be effective prospectively.

In view of the need for prompt rate adjustment, we find good cause exists to make the amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 7, 1975, as follows:

Revise the table of rates § 288.7(b) to read as follows:

**§ 288.7 Reasonable level of compensation.**

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30.....	\$1,8366	\$2,6804	\$150
L-188C.....	1.8366	2.6804	150
L-100-20/30.....	2.6261	2.7869	150
DC-8-61/63.....	4.3262	4.3779	275

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743,

<sup>1</sup> Permission was granted by the Chief Administrative Law Judge for Saturn's late filing.

<sup>2</sup> DOD filed timely answer objecting to Saturn's petition for reconsideration.

<sup>3</sup> For the computations underlying the rate amendments herein, see Appendices A through D, which are filed as part of the original document.



758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17404 Filed 7-2-75;8:45 am]

[Reg. ER-917, Consolidation, Recodification and Revision of Part 296]

**PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 27, 1975.

The Board's regulations authorizing and governing the operations of indirect air carriers of property—air freight forwarders, international air freight forwarders, and cooperative shippers associations—presently are set forth in Parts 296 and 297 of the Economic Regulations. These Parts contain duplicative provisions, relate essentially to the same subject matter, and lend themselves to consolidation for the purpose of composing the regulations into a more logical arrangement and reducing the number of parts. The consolidation is being accomplished by revising Part 296 to include the substantive content of Parts 296 and 297 and by republishing the revised Part 296.

Various revisions in language have been made, and exemption from one provision of the Act has in terms been eliminated, and exemption in terms granted from another. However, the revisions and alterations are not considered to be substantive changes, and there is attached below a cross-reference table showing the relationship between former sections of Parts 296 and 297 and the new sections as they appear in the revised Part 296.

The exemption which has been eliminated is the provision in former §§ 296.11 and 297.11 that forwarders "are hereby relieved from the provisions of Section 610(a)(4) (Requirement of Air Carrier Operating Certificate) of Title VI of the Act." The Board has heretofore held section 610(a)(4) to be inapplicable to indirect air carriers not operating aircraft (*Railway Express Agency, Grandfather Certificate*, 2 C.A.B. 531, 540 (1941)); it has not provided any exemption from section 610(a)(4) to other classes of indirect air carriers; and the Department of Transportation does not issue operating certificates to indirect air carriers. The present exemption from section 610(a)(4) was provided to forwarders merely to eliminate any doubts concerning its applicability, and considerations of consistency in regulations and avoidance of unnecessary provisions therein warrant elimination of the exemption.<sup>1</sup>

Sections 296.11(a) and 297.11(b) now specify that exemption is provided from subsection 401(k) of the Act other than for subsection 401(k)(3). These provisions

appear to have resulted from clerical error since earlier versions had subjected forwarders to the requirements of the entire subsection 401(1) of the predecessor Act.<sup>2</sup> In any event, the Board does not deem subsection 401(k) to be applicable to indirect air carriers not engaged in the operation of aircraft.<sup>3</sup> In these circumstances, the Board has determined to eliminate any specific reference to section 401(k) in the exemption provisions of the revised regulation. Rather, it will append a note to § 296.11 which states that subsection 401(k) is deemed inapplicable to forwarders notwithstanding that exemption is not provided therefrom, and refers to the NLRB position concerning its jurisdiction over their labor-management relations.

Since the amendments to Parts 296 and 297 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary and the amendments may be made effective immediately.

<sup>1</sup> Air freight forwarders and international air freight forwarders were initially exempted from all of the provisions of Title VI of the Act. *Air Freight Forwarder Case*, 9 C.A.B. 473, 530 (1948); *Air Freight Forwarder Case (International)* 11 C.A.B. 182, 205 (1949). This exemption was continued in the 1956 revision of Part 296 (ER-209, 21 F.R. 2511) but was omitted from the 1959 revision of Part 297 (ER-288, 24 F.R. 9978). In 1961 the Board proposed to amend Part 296 to limit the Title VI exemption to the provisions of section 610(a)(4) and to amend Part 297 to provide exemption from that section (EDR-25, 26 F.R. 2806). The notice stated that the Administrator of the Federal Aviation Administration had been vested by the Federal Aviation Act with jurisdiction over air safety regulations, including the question of the applicability of such regulations to indirect air carriers, and that the Administrator had indicated to the Board that air freight forwarders should be exempted from Title VI only with respect to section 610(a)(4) certificates but not otherwise. Although noting its view that the section was not intended to apply to indirect air carriers, the Board amended both Parts to provide exemption from Title VI only for section 610(a)(4). ER-332, 26 F.R. 5121; ER-333, 26 F.R. 5121.

<sup>2</sup> The error appears to have initially occurred in the 1956 revision of Part 296 (ER-209).

<sup>3</sup> Subsection 401(k)(1) and (k)(2) (rates of compensation and working conditions of pilots and copilots) obviously are inapplicable to indirect air carriers, and subsection 401(k)(3) (nothing contained herein shall be construed as restricting the right of collective bargaining by employees for compensation and working conditions) is not a requirement addressed to air carriers. While subsection (k)(4) makes compliance with Title II of the Railway Labor Act "a condition upon the holding of a certificate by any air carrier," this subsection is not applicable to carriers not holding certificates. *Union of Prof. Airmen v. C.A.B.*, C.A.D.C. No. 73-1526, decided April 11, 1975. Moreover, the National Labor Relations Board asserts jurisdiction over the labor relations between freight forwarders and their employees, under its view and that of the National Mediation Board that the Railway Labor Act does not apply to air freight forwarders. *Wings and Wheels, Inc.*, 139 N.L.R.B. 578 (1962).

Accordingly, the Civil Aeronautics Board hereby revises, recodifies and republishes Part 296 (14 CFR Part 296), as set forth below, effective June 27, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

CROSS-REFERENCE TABLE

PART 296

Former sec.	New sec.
296.1(a)	296.1(e).
296.1(b)	296.1(d).
296.1(c)	296.1(g).
296.1(d)	296.1(h).
296.1(d-i)	296.1(i).
296.1(e)	296.1(a).
296.2(a)	296.2(a).
296.2(b)	296.2(c).
296.3	296.3.
296.4	296.5.
296.6	Deleted.
296.11	296.11.
296.12	296.12.
296.13	296.13.
296.21	296.21.
296.22	296.22.
296.31	296.31.
296.40	296.51.
296.41	296.54.
296.42	296.55.
296.43(a)	Deleted.
296.43(b)	296.57.
296.44	296.58.
296.45(a)	296.59.
296.45(b)	296.56(b).
296.45(c)	296.60.
296.46	296.56(a).
296.46(a)	296.23.
296.47	296.61.
296.48(a)	296.62(b).
296.48(b)	296.62(c).
296.48(c)	296.62(c).
296.48(d)	296.62(d).
296.48(e)	296.62(e).
296.49	296.63.
296.50	Deleted.
296.51	296.52.
296.60	Deleted.
296.70	296.73.
296.71	296.71.
296.72	296.72.
296.80	296.80.
296.81	296.81.
296.82	296.82.
296.83	296.83.
296.84	296.84.
296.85	296.85.
296.86	296.86.
296.87	296.87.
296.88	296.88.
296.89	296.89.
297.1(a)	296.1(e).
297.1(b)	296.1(d).
297.1(c)	296.1(f).
297.1(d)	296.1(g).
297.1(e)	296.1(h).
297.1(e-i)	296.1(i).
297.1(f)	296.1(a).
297.2	296.1(b).
297.3	296.4.
297.5	Deleted.
297.11	296.11.
297.12	296.13.
297.21	296.21.
297.22	296.22.
297.23	296.41.
297.31	296.54.
297.32	296.55.
297.33	Deleted.
297.34(a)	296.57(a).
297.34(b)	296.56(a).
297.34(c)	296.56(b).
297.34(d)	296.57(b).



Former sec.	New sec.
297.34(e) -----	296.57(c).
297.35 -----	296.58.
297.36(a) -----	296.59.
297.36(b) -----	296.60.
297.37 -----	296.61.
297.38 -----	296.63.
297.39 -----	296.23.
297.40 -----	296.42.
297.41 -----	296.51.
297.42 -----	Deleted.
297.43(a) -----	296.62(b).
297.43(b) -----	296.62(c).
297.43(c) -----	296.62(c).
297.43(d) -----	296.62(d).
297.44 -----	296.63.
297.45 -----	296.52.
297.50 -----	296.72.
297.51(a) -----	296.71.
297.51(b) -----	296.73.
297.60 -----	296.80.
297.61 -----	296.81.
297.62 -----	296.82.
297.63 -----	296.83.
297.64 -----	296.84.
297.65 -----	296.85.
297.66 -----	296.86.
297.67 -----	296.87.
297.68 -----	296.88.
297.69 -----	296.89.

#### Subpart A—General

Sec.	
296.1	Definitions.
296.2	Classification.
296.3	Air freight forwarder acting as agent of shipper.
296.4	International air freight forwarder acting as agent of shipper or direct air carrier.
296.5	Cooperative shippers' association acting as agent of shipper.

#### Subpart B—Exemptions

296.11	Exemption of air freight forwarders and international air freight forwarders.
296.12	Exemption of cooperative shippers associations.
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296.22	Prohibition on use of aircraft.
296.23	Prohibition on operations unless tariffs are observed.

#### Subpart D—Limitations and Conditions on Exemption: Cooperative Shippers Associations

296.31	Filing of schedules or formulae used to compute charges to members.
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#### Subpart E—Limitations and Conditions on Exemption: International Air Freight Forwarders

296.41	Charter trips in overseas and foreign air transportation over routes of a certificated air carrier.
296.42	Prohibition against shipping property at preferential rates without Board authorization.
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#### Subpart F—Limitations and Conditions on Exemption: Air Freight Forwarders and International Air Freight Forwarders

296.51	Prohibition on use of agents of direct air carriers.
296.52	Prohibition on operations without insurance.
296.54	Prohibition against operations without an effective operating authorization.
296.55	Application for issuance of operating authorization.
296.56	Restrictions on issuance of operating authorization.
296.57	Issuance of operating authorization.

Sec.	
296.58	Effective period.
296.59	Conditions on operating authorization.
296.60	Prohibition against holder of operating authorization having tainted officers or owner.
296.61	Nontransferability of operating authorization.
296.62	Suspension of operating authorization.
296.63	Revocation of operating authorization.

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296.71	Record-retention requirements.
296.72	Reporting requirements.
296.73	Preparation of airwaybills and manifests.

#### Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

296.80	Applicability of subpart.
296.81	Applicability of other subparts.
296.82	Applicability of policy statement.
296.83	Application for operating authorization.
296.84	Notice.
296.85	Objections.
296.86	Criteria for authorization.
296.87	Conditions.
296.88	Duration.
296.89	Revocation or suspension.

AUTHORITY: Secs. 101(3), 204(a), 416(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743, 771; 49 U.S.C. 1301(3), 1324(a), 1386(a).

#### Subpart A—General Provisions

##### § 296.1 Definitions.

For the purposes of this part:<sup>1</sup>

(a) "Affiliate" of a long-haul motor carrier or railroad carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier.

(b) "Air freight forwarder" means an indirect air carrier, as defined in § 296.1(e):

(1) which engages in interstate air transportation, and

(2) which in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of property from the point of receipt to point of

<sup>1</sup> Terms employed herein, unless otherwise defined, shall have the meaning ascribed in section 101 of the Act. These terms include: "air transportation" (section 101(10)); "interstate air transportation," "overseas air transportation," and "foreign air transportation" (section 101(21)); "citizen of the United States" (section 101(13)); and "United States" (section 101(36)).

destination and utilizes for the whole or any part of such transportation the services of a direct air carrier, as defined in § 296.1(d) (1) and (3).

(c) "Cooperative shippers association" means a bona fide association of shippers, operating as an indirect air carrier as defined in § 296.1(e), on a nonprofit basis,

(1) which engages in interstate air transportation, and

(2) which undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefit of its members, and utilizes for the whole or any part of such transportation the services of a direct air carrier as defined in § 296.1(d) (1) and (3).

(d) "Direct air carrier" means:

(1) An air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Act;

(2) A foreign air carrier directly engaged in the operation of aircraft pursuant to a permit issued under section 402 of the Act;

(3) With respect to operations in interstate air transportation, an air carrier directly engaged in the operation of aircraft pursuant to authority conferred by any applicable regulation or order of the Board; and

(4) With respect to operations in foreign or overseas air transportation, an air carrier (other than an air taxi operator) directly engaged in the operation of aircraft pursuant to authority conferred by any applicable regulation or order of the Board.

(e) "Indirect air carrier" means any citizen of the United States, who undertakes indirectly to engage in air transportation of property only, and who

(1) does not engage directly in the operation of aircraft in air transportation, and

(2) does not engage in air transportation pursuant to any Board order which has been issued for the purpose of authorizing air express service under a contract with a direct air carrier.

(f) "International air freight forwarder" means an indirect air carrier as defined in § 296.1(e)

(1) which engages in overseas or foreign air transportation, and

(2) which, in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of such property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation the services of a direct air carrier, as defined in § 296.1(d) (1), (2), and (4).

(g) "Joint loading" means the pooling of shipments and their delivery to a direct air carrier for transportation as one



shipment in accordance with the filed tariff rules of the direct air carrier, pursuant to an agreement between two or more indirect air carriers of the same subclassification established in § 296.2.

(h) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(i) "Railroad carrier" means a common carrier by railroad subject to part I of the Interstate Commerce Act, or an affiliate of such a carrier.

#### § 296.2 Classification.

There is hereby established a classification of air carriers having the attributes of an "indirect air carrier" as defined in § 296.1(e) and which are designated as "indirect air carriers." Such classification shall include (a) "Air freight forwarders" as defined in § 296.1(b), (b) "International air freight forwarders" as defined in § 296.1(f), and (c) "Cooperative shippers associations" as defined in § 296.1(c).

#### § 296.3 Air Freight forwarder acting as agent of shipper.

(a) Any air freight forwarder may, by complying with the requirements of this section, accept a particular shipment for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be assembled. An air freight forwarder shall not act as the agent of any direct air carrier with respect to shipments accepted for forwarding.

(b) Any air freight forwarder seeking to avail itself of the option provided in paragraph (a) must give notice that it reserves such right, in the case of every shipment accepted subject thereto, to handle the shipment as agent of the shipper. Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time the shipment is accepted. Such notice shall be given by means of:

(1) Notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public,

(2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, and

(3) reasonably prominent statements on all the airway bills of such forwarder and on such receipts or other documentation as may be furnished to the shippers at the time of acceptance of the shipment.

(c) Any air freight forwarder exercising its option to act as such agent shall transmit a copy of its charges for the ac-

cessorial and surface transportation services actually rendered with respect to all shipments billed to the consignee.

(d) In the event that it acts as agent of the shipper, the air freight forwarder shall not charge any commission for its agency services and shall limit its charges for accessorial and surface transportation services actually rendered, directly or indirectly, to those separately stated in the forwarder's own tariffs filed pursuant to Part 221 of this chapter.

#### § 296.4 International air freight forwarder acting as agent of shipper or direct air carrier.

(a) Any international air freight forwarder may, by complying with the requirements of this section, accept a particular shipment for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof or as the agent of a direct air carrier which has authorized such agency, in the event that a volume of freight adequate to permit a consolidated shipment cannot be assembled.

(b) Any international air freight forwarder seeking to avail itself of the option provided in paragraph (a) must give notice that it reserves such right, in the case of every shipment accepted subject thereto, to handle the shipment as agent of the shipper or an agent of a direct air carrier, as the case may be. Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time the shipment is accepted. Such notice shall be given by means of:

(1) notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public,

(2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, and

(3) reasonably prominent statements on all the airway bills of such forwarder and on such receipts or other documentation as may be furnished to the shippers at the time of acceptance of the shipment.

(c) Any international air freight forwarder exercising its option to act as agent of either the shipper or the direct air carrier shall transmit to the shipper a copy of its charge for the accessorial and transportation services actually rendered with respect to all shipments billed to the consignee.

(d) In the event that it acts as agent of the direct air carrier, the international air freight forwarder shall not charge other than the airport-to-airport rate for air transportation specified in the applicable tariffs of the direct air carrier rendering the service and the applicable charges for accessorial and surface transportation services actually rendered, as specified in the tariffs filed with the Board by the international air freight

forwarder pursuant to Part 221 of this chapter.

(e) In the event that it acts as agent of the shipper, the international air freight forwarder shall not charge any commission for its agency services and shall not charge other than the applicable charges for accessorial and surface transportation services actually rendered, as specified in the international air freight forwarder's own tariffs filed pursuant to Part 221 of this chapter.

#### § 296.5 Cooperative shippers association acting as agent of shipper.

Any cooperative shippers association may accept particular shipments for consolidation on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be obtained.

#### Subpart B—Exemptions

#### § 296.11 Exemption of air freight forwarders and international air freight forwarders.<sup>2</sup>

Subject to the other provisions of this part, air freight forwarders and international air freight forwarders are hereby relieved from all provisions of Title IV of the Act, other than the following:

(a) Section 403 (Tariffs); -

(b) Subsection 404(a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;

(c) Subsection 404(b) (Discrimination);

(d) Subsection 407(a) (Filing of Reports): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to air freight forwarders or international air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(e) Subsection 407(b) (Disclosure of Stock Ownership);

(f) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(g) Subsection 407(d) (Form of Accounts): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(d) shall be applicable to air freight forwarders or international

<sup>2</sup> NOTE: Although this Part in terms exempts indirect air carriers from the provisions of Section 401(k) of the Act (compliance with labor legislation), Section 401(k) is deemed inapplicable to indirect air carriers. The National Labor Relations Board asserts jurisdiction under the National Labor Relations Act over employee-management relations of indirect air carriers.



air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(h) Subsection 407(e) (Inspection of Accounts and Property);

(i) Section 408 (Consolidation, Merger and Acquisition of Control);

(j) Section 409 (Prohibited Interests);

(k) Section 410 (Loans and Financial Aid);

(l) Section 411 (Methods of Competition);

(m) Section 412 (Pooling and Other Agreements);

(n) Section 413 (Form of Control);

(o) Section 414 (Legal Restraints);

(p) Section 415 (Inquiry into Air Carrier Management); and

(q) Section 416 (Classification and Exemption of Carriers).

*Provided, however,* That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any air freight forwarder or international air freight forwarder from engaging in joint loading as defined in § 296.1(g) and shall not be applicable to any international air freight forwarder with respect to property inbound to any place within the United States from any place outside thereof: *Provided, further,* That the provisions of subsection 404(b) shall not be applicable insofar as they would otherwise prohibit the exercise by any air freight forwarder of its reserved option to act as either a forwarder or as agent of the shipper in accordance with the provisions of § 296.3 or prohibit the exercise by any international air freight forwarder of its reserved option to act as either an international air freight forwarder or as agent of the direct air carrier or the shipper in accordance with the provisions of § 296.4.

#### § 296.12 Exemption of cooperative shippers associations.

Subject to the other provisions of this part applicable thereto, cooperative shippers associations are hereby relieved from all provisions of Title IV of the Act, other than the following:

(a) Subsection 407(a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to cooperative shippers associations unless such rule, regulation, term, condition, or limitation expressly so provides;

(b) Subsection 407(b) (Disclosure of Stock Ownership);

(c) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(d) Subsection 407(e) (Inspection of Accounts and Property);

(e) Section 408 (Consolidation, Merger and Acquisition of Control);

(f) Section 409 (Prohibited Interests);

(g) Section 411 (Methods of Competition);

(h) Section 412 (Pooling and Other Agreements);

(i) Section 413 (Form of Control);

(j) Section 414 (Legal Restraints);

(k) Section 415 (Inquiry into Air Carrier Management); and

(l) Section 416 (Classification and Exemption of Carriers).

*Provided, however,* That cooperative shippers associations shall remain subject to the requirements of sections 403 and 404 of the act insofar as they engage in joint loading except as defined in § 296.1(g).

*Provided, further, however,* That cooperative shippers associations are hereby relieved from the requirements of section 412 of the act insofar as agreements relate to joint loading as defined in § 296.1(g);

*Provided, further, however,* That unless the reserved option of any cooperative shippers association to act as an indirect air carrier or as agent of the shipper is exercised in accordance with the provisions of § 296.5, the provisions of subsection 404(b) shall be applicable insofar as they would otherwise prohibit the exercise of such option.

#### § 296.13 Duration of exemptions.

The exemption authority provided by this part shall continue in effect until the Board shall find that the continuation of such authority with respect to air freight forwarders, international air freight forwarders or cooperative shippers associations, or all such classifications, is no longer in the public interest, and thereafter the authority with respect to such classification or classifications shall terminate.

#### Subpart C—Limitations and Conditions<sup>\*</sup> on Exemption: General

##### § 296.21 Limitations on use of aircraft.

The exemption authority provided to indirect air carriers by this part shall be effective only with respect to shipments of property in aircraft operated in common carriage by direct air carriers as defined in this part which have effective tariffs for the services thus utilized on file with the Board or which have been exempted from the filing of such tariffs. No indirect air carrier shall ship property by air except in aircraft operated in common carriage by a direct air carrier of the class specified in this section.

##### § 296.22 Prohibition on use of aircraft.

The exemption authority provided to indirect air carriers by this part shall not be effective to authorize any such air carrier to directly engage in the operation of aircraft in air transportation and no indirect air carrier shall directly so engage: *Provided, however,* That this limitation and prohibition shall not be construed to prohibit charters of aircraft from direct air carriers by indirect air

<sup>\*</sup> Note: Although not set forth as an express condition in this part, indirect air carriers are cautioned that they are subject to the provisions of Part 215 of this subchapter relating to the name used in holding out and performing air transportation services.

carriers subject to the limitations and prohibitions of §§ 296.21, 296.23, and 296.41.

#### § 296.23 Prohibition on operations unless tariffs are observed.

No indirect air carrier shall ship property in air transportation in the capacity of an air freight forwarder, international air freight forwarder or cooperative shippers association, respectively, except in accordance with the rates and charges and all applicable rules, regulations and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier may demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and no such indirect air carrier shall demand, accept, or receive, either directly or indirectly, any privilege, service or facility except those specified in the currently effective tariffs of such direct air carrier.

#### Subpart D—Limitations and Conditions on Exemption: Cooperative Shippers Associations

##### § 296.31 Filing of schedules or formulae used to compute charges to members.

The exemption authority provided by this part with respect to any cooperative shippers association, shall be effective only after, and during only such periods of time as each such indirect air carrier has filed with the Board, and either distributed to its members or posted in each office where shipments are accepted, copies of all currently effective schedules or formulae used for assessing drayage, consolidation, air transportation, breakbulk, and any other charges to its members. Upon changing any of such schedules or formulae, each cooperative shippers association shall again comply with the requirements of this section.

#### Subpart E—Limitations and Conditions on Exemption: International Air Freight Forwarders

##### § 296.41 Charter trips in overseas and foreign air transportation over routes of a certificated air carrier.

(a) *Conditions on certain charters.* An international air freight forwarder or a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense shall not charter aircraft from a direct air carrier for cargo charter trips or special services in overseas or foreign air transportation between points or areas between which other direct air carriers are authorized to engage in unlimited scheduled air transportation through one or more certificates of public convenience and necessity naming such points or areas, (1) unless such direct air carrier has been issued a certificate or foreign air carrier permit authorizing unlimited scheduled air transportation between such named points or areas and



could be authorized by the terms thereof to serve such points or areas on a non-stop basis or (2) unless the provisions of either subdivision (i) or (ii) of this subparagraph are complied with:

(i) The consent in writing of the air carriers authorized to engage in unlimited scheduled air transportation between the points or areas involved by certificates naming such points or areas has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or

(ii) Specific authority therefor has been granted by the Board upon a showing by the air freight forwarder or person authorized by the Board to transport by air used household goods of personnel of the Department of Defense that it would be a hardship upon it to use the scheduled services of an air carrier authorized to engage in unlimited scheduled air transportation between the points or areas involved by a certificate or certificates naming such points or areas, and that the public interest so requires.

(b) *Petitions for Board authority.* Petitions for Board authority hereunder need not comply with the provisions of Part 302 of this chapter, and may be submitted in the form of telegraphic requests, but each petition shall set forth a complete statement of the factors relied upon in support of the request. In addition, a copy of each petition submitted shall be served upon each air carrier certificated to serve the points or areas involved, and a statement listing the air carriers so served shall be included in the petition submitted to the Board.

(c) *Showing required to be made by the petitioner.* The Board will not grant a petition filed under paragraph (b) of this section unless the petitioner shows that the certificated on-route carriers cannot or will not physically provide the service reasonably required by the forwarder. In the absence of special circumstances, one of the following situations must be shown to exist:

(1) The certificated on-route carriers do not have equipment (used on the regular scheduled or charter service) which will accommodate the cargo to be transported, because of its size, weight, or specific handling requirements, or

(2) The certificated on-route carriers cannot or will not provide capacity (by the regular scheduled or charter service) reasonably related to the requirements for successful movement of the cargo to be transported, in terms of time of departure, or of arrival at destination.

**§ 296.42 Prohibition against shipping property at preferential rates without Board authorization.**

No international air freight forwarder shall in that capacity tender property for transportation at preferential rates for freight forwarders filed by a direct air carrier unless the use of such rates by freight forwarders has been authorized by the Board. When a tariff con-

taining such preferential rates has been filed, any international air freight forwarder may apply for such authorization with the Board, serving copies of the application on all direct air carriers authorized by certificate, permit or exemption to engage in air transportation of property between the respective points. In other respects, such applications and the proceeding thereon shall be governed, as far as practicable, by the provisions of Subpart D—Rules Applicable to Exemption Proceedings—of Part 302 of this chapter unless such proceeding is consolidated with a proceeding under section 1002 of the Act.

**§ 296.43 Filing of agreements with foreign agents required.**

Any contract or agreement between an international air freight forwarder and a foreign agent of such forwarder encompassing matters set forth in section 412 of the Act shall be filed with the Board in accordance with the requirements of Part 261 of this subchapter. Agreements so filed shall be subject to approval or disapproval by the Board in accordance with the provisions of section 412 of the Act.<sup>4</sup>

**Subpart F—Limitations and Conditions on Exemption: Air Freight Forwarders and International Air Freight Forwarders**

**§ 296.51 Prohibition on use of agents of direct air carriers.**

No air freight forwarder, or international air freight forwarder acting in that capacity, shall tender any shipment for transportation, wholly or partially by air, to any cargo agent or sales agent of any direct air carrier or to any other intermediary receiving a commission on such shipments from the direct air carrier for the account of, or on behalf of, any cargo agent, sales agent, or any other intermediary. The payment of a commission by the direct air carrier to such agent or intermediary shall be prima facie evidence of a violation of this prohibition by the forwarder concerned in all proceedings before the Board conducted under the authority of sections 1002 (a), (b) and (c) of the Act. The provisions of this section shall not, however, be construed to prohibit an international air freight forwarder from tendering shipments to a direct air carrier which acts as exclusive agent for another direct air carrier for the purpose of accepting forwarder shipments on its behalf.

**§ 296.52 Prohibition on operations without insurance.**

(a) *Cargo.* No air freight forwarder or international air freight forwarder shall engage in air transportation unless it has on file with the Board (1) A satisfactory certificate or certificates of insurance evidencing a properly endorsed

<sup>4</sup> NOTE: Agreements between international air freight forwarders and foreign freight forwarders are, of course, subject to the provisions of section 412 relating to agreements between an air carrier and any other carrier.

policy of insurance (CAB Form 350);<sup>5</sup> (2) Evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board); or (3) A surety bond. Any such guaranty shall be for not less than the amount prescribed in paragraph (c)(1) of this section, and shall cover risks of loss or of damage to property handled as a freight forwarder pursuant to the provisions of this part.

(b) *Public liability, property damage and personal injury.* No air freight forwarder or international air freight forwarder shall engage in the performance of transfer, collection or delivery services pursuant to this part unless it shall have on file with the Board (1) a satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form 350);<sup>6</sup> (2) evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board); or (3) a surety bond in not less than the amounts prescribed in paragraph (c)(2) and (3) of this section, conditioned to pay within the amount of such coverage any final judgment recovered against it on account of bodily injuries to or death of any person, or loss of or damage to property (other than property covered by paragraph (c)(1) of this section) resulting from the negligent operation, maintenance or use of motor vehicles operated by or under its direction and control.

(c) *Minimum liability limits—*(1) *Cargo.* For loss of or damage to property while carried on or resting in any one conveyance or premises: minimum \$10,000 per conveyance or premises. Conveyance includes, but is not limited to, aircraft, motor vehicles, rail, and watercraft;

(2) *Public liability; property.* For loss of or damage to property occurring at any one time or place; minimum \$5,000;

(3) *Public liability; personal injury.* For bodily injury or death: minimum \$10,000 for any one person and \$20,000 for all persons in any one accident.

(d) *Maintenance of insurance coverage.* The insurance coverage or guaranties referred to herein shall be kept in effect by the air freight forwarder or international air freight forwarder until such time as its operating authorization is revoked or otherwise terminated by the Board.

NOTE.—To allow for future growth, no § 296.53 is included.

**§ 296.54 Prohibition against operations without an effective operating authorization.**

No person shall operate as an air freight forwarder or an international air freight forwarder unless there is in force with respect to such person a document

<sup>5</sup> Available from Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.



entitled "Operating Authorization" authorizing him to engage in air transportation pursuant to the exemption granted by this part.

**§ 296.55 Application for issuance of operating authorization.**

(a) *Application form.* Any person desiring to operate as an air freight forwarder or as an international air freight forwarder may apply to the Board for an appropriate operating authorization. Such an applicant shall execute in duplicate an application for operating authorization as an air freight forwarder or international air freight forwarder (CAB Form 351).<sup>5</sup> The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (*i.e.*, corporation, partnership, etc.), state under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the transportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions, and agreements of the past year in this regard; (10) list of names of parties, effective dates, operating areas, nature and terms, of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or reg-

istration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc. of applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc. of applicant who were connected in any way with any air freight forwarder, noncertificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers, and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calendar year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application; list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)<sup>6</sup> or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed airway bill; report of ownership of stock and other interests (CAB Form 2786)<sup>5</sup> by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of intercompany ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

**§ 296.56 Restrictions on issuance of operating authorization.**

(a) No operating authorization as an air freight forwarder will be issued to an applicant which fails to demonstrate that it has sufficient facilities, including branch offices, associated companies or agents within the United States, to perform pickup, delivery, and other necessary services in handling shipments, and no operating authorization as an international air freight forwarder will be issued to an applicant which fails to demonstrate that it has sufficient such

facilities, including ones located outside the United States, to perform necessary services in handling shipments, including customs services.

(b) No operating authorization will be issued to an applicant which has, or proposes to have, as owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other international air freight forwarder, air freight forwarder, cooperative shippers association, irregular air carrier, supplemental air carrier, or noncertificated cargo carrier, if the letter of registration, operating authorization, or other exemption authority of such carrier was suspended or revoked by the Board on account of acts or omissions which occurred during the time of such connection: *Provided, however,* That an operating authorization may be issued to such an applicant where the Board finds, upon a showing by an applicant, that the public interest and applicant's intention and ability to conform to the provisions of the Act and requirements thereunder are not adversely affected by such relationship.

**§ 296.57 Issuance of operating authorization.**

(a) If, after the filing of an application for an operating authorization, it appears that the applicant is capable of performing the air transportation authorized by this part as an air freight forwarder or international air freight forwarder and of conforming to the provisions of the Act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, an operating authorization will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the Act or the rules and regulations of the Board between the date of such notification and such filing. In the latter event, an operating authorization will not be issued unless and until a due showing is made by the applicant that it has terminated such unauthorized or prohibited activities, and that the issuance of such an authorization would be consistent with the public interest.

(b) If, after the filing of an application for an operating authorization, it appears that the applicant has not made a due showing of capability or that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter, the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for



hearing in order to properly present its case.

(c) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

**§ 296.58 Effective period.**

Each operating authorization shall be effective upon the date specified therein, and shall continue in effect, unless sooner suspended or revoked, during such period as the authority provided by this part shall remain in effect, or if issued for a limited period of time, shall continue in effect until the expiration thereof unless sooner suspended or revoked.

**§ 296.59 Conditions on operating authorization.**

At the time of issuance, and from time to time thereafter, there may be attached to the exercise of the privileges granted by any operating authorization issued under this part such reasonable terms, conditions, and limitations applicable to the person named therein as are necessary to carry out the requirements of the Act and the regulations prescribed thereunder. Such terms, conditions, and limitations shall be in addition to the general limitations and conditions set forth in this part.

**§ 296.60 Prohibition against holder of operating authorization having tainted officers or owner.**

No holder of an operating authorization shall have and retain as an owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other international air freight forwarder, air freight forwarder, cooperative shippers association, irregular air carrier, supplemental air carrier, or non-certificated cargo carrier, under the circumstances set forth in paragraph (b) of § 296.56: *Provided, however,* That such holder may have and retain persons presently or previously affiliated, in the manner described above, where the Board finds that the public interest and the carrier's intention and ability to conform to the provisions of the Act and requirements thereunder are not adversely affected by such relationship.

**§ 296.61 Nontransferability of operating authorization.**

(a) An operating authorization shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under an operating authorization issued in the name of another person, for a maximum period of six months from the effective date of succession, by giving written notice of such succession to the Board within 60 days after the succession:

- (1) Administrators or executors of deceased persons;
- (2) Guardians of incapacitated persons;
- (3) Surviving partner or partners collectively of dissolved partnerships; and
- (4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the operating authorization and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new operating authorization within 120 days after such succession. If a timely application is filed, such successor may continue operations until final disposition of the application by the Board.

**§ 296.62 Suspension of operating authorization.**

(a) An operating authorization may be suspended by proceedings instituted in accordance with either the procedure specified in Subpart B of Part 302 of this chapter or the procedure prescribed in paragraphs (b), (c), and (d) of this section.

(b) Whenever it appears that the holder of an operating authorization has committed knowing and willful violation of any provision of the Act or of any order, rule, or regulation issued thereunder or of any term, condition, or limitation of any authority issued the holder under the Act or such regulations, the Board may issue an order instituting a suspension proceeding. However, when it appears that the violation was not knowing and willful, the Board shall, by letter, give the holder the notice required by 5 U.S.C. 558(c) (1). Such notice shall specify the facts or conduct which warrant suspension and also give the holder the opportunity to demonstrate or achieve compliance with all lawful requirements within a specified period of time. At the expiration of such period, the Board may issue an order instituting a suspension proceeding.

(c) Each order instituting a suspension proceeding will specify a period of time within which the holder must file a written response with the Board. In such response, the holder may deny the alleged violation or adduce such considerations as it relies on to justify or excuse the violation.

After the filing of the written response or the expiration of the period for its filing, the Board may assign the proceeding for hearing or oral argument or, in appropriate cases, enter an order of suspension or an order dismissing the suspension proceeding.

(d) The suspension of an operating authorization ordered by the Board may continue until the Board finds that the holder has complied with the applicable provisions of the Act, orders, rules, and regulations issued thereunder, and the

terms, conditions, and limitations of the operating authorization, or until the expiration of a suspension period of fixed duration prescribed by the Board. The Board may also order a suspension, of indefinite duration, during the pendency of a docketed revocation proceeding brought under § 296.63.

(e) Failure to seek reinstatement of an operating authorization suspended pursuant to this section within 60 days after the effective date of the suspension or prior to the expiration period of fixed duration, whichever is later, shall automatically terminate all rights under the authorization.

**§ 296.63 Revocation of operating authorization.**

(a) An operating authorization shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Act or of any order, rule, or regulation issued thereunder or of any term, condition, or limitation of any authority issued the holder under the Act or such regulations.

(b) An operating authorization shall be revoked, without prejudice to the filing of a subsequent application for a new authorization, upon the filing by the holder of a written notice with the Board indicating the discontinuance of air freight forwarding activities: *Provided,* That the Board may refuse to accept such notice and to cancel the authorization if any proceedings or actions are pending in which the holder's authority may be subject to suspension or revocation action. The failure of any holder of an operating authorization to perform air transportation services as an air freight forwarder or international air freight forwarder for a period of two years, or the failure of any such holder to file for two successive periods the reports required by this chapter, may be deemed by the Board to constitute the filing of written notice indicating the discontinuance of air freight forwarder activities.

**Subpart G—Requirements for the Maintenance and Retention of Records and Reporting Requirements: Air Freight Forwarders and International Air Freight Forwarders**

**§ 296.71 Record-retention requirements.**

Each holder of an operating authorization shall comply with the applicable record retention provisions of Part 249 of this chapter.

**§ 296.72 Reporting requirements.**

Each holder of an operating authorization shall comply with the applicable reporting provisions of Parts 239 and 244 of this chapter.

**§ 296.73 Preparation of airwaybills and manifests.**

(a) Each holder of an operating authorization shall prepare an accurate airwaybill for each shipment consigned for transportation to a direct air carrier by such holder in the capacity of an air freight forwarder or international air freight forwarder and a copy thereof shall be supplied to the consignor and to



the consignee of each such shipment. Each such airwaybill shall contain:

- (1) The following information:
  - (i) Name and address of consignor, consignee, and forwarder.
  - (ii) A limitation of liability statement.
  - (iii) Number of packages in shipment.
  - (iv) Total weight (both actual and dimensional, where applicable).
  - (v) Description of commodities.
  - (vi) Point of origin and destination of shipment.
  - (vii) Declared value of shipment.
  - (viii) Date of airwaybill preparation.
  - (ix) Name of employee or agent preparing airwaybill.
- (2) The following charges, when applicable:
  - (i) Commodity rate applied.
  - (ii) Total weight-rate charge.
  - (iii) Pickup and/or delivery.
  - (iv) Excess valuation.
  - (v) Charges advanced.
  - (vi) Assembly or distribution.
  - (vii) Other accessorial charges (specify).
  - (viii) Insurance (liability).
  - (ix) C.O.D. fee.
  - (x) Preparation of export documents (international air freight forwarders only).
  - (xi) Total charges and an indication as to whether charges are prepaid or collect.

(b) Each holder of an operating authorization as an air freight forwarder or international air freight forwarder shall prepare an accurate manifest showing every individual shipment included in each consolidated shipment consigned for transportation to a direct air carrier by such holder. There shall be set forth in each such manifest the following information:

- (1) The number of the forwarder's individual airwaybill for each individual shipment within a consolidated shipment.
- (2) Name of the direct air carrier transporting the shipment and the number of the direct air carrier's airwaybill under which the shipment is transported.
- (3) Date of shipment.
- (4) Weight of each individual shipment and the total weight of the consolidated shipment.
- (5) When a consolidated shipment consists of a combination of shipments to be transported to points in the United States and foreign points outside thereof, a clear statement that shipments with a foreign destination are included in the consolidated shipment.

NOTE: Where a forwarder desires to conduct an operation which entails the use of documentation different from that required herein, it is the responsibility of such forwarder to secure from the Board, in advance, permission to deviate from the requirements of this section.

#### Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

##### § 296.80 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applica-

tions of long-haul motor carriers, as defined in § 296.1(h), and railroad carriers, as defined in § 296.1(i), for authorization to operate in their own names as air freight forwarders or as international air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationship created when they apply through subsidiaries or other affiliates for authorization as forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statement in this chapter.

##### § 296.81 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through C and E through G of this part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as air freight forwarders and as international air freight forwarders, and to the conduct of such operations.

##### § 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers and railroad carriers for authority under this subpart.

##### § 296.83 Application for operating authorization.

In addition to the requirements set forth in § 295.55, a long-haul motor carrier or railroad carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, *inter alia*:

(1) A statement as to whether the long-haul motor carrier or railroad carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing (i) what traffic will be newly generated and (ii) what traffic is presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's or railroad carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carriers or railroad carrier interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, or a description of the railroad carrier's rail lines, including a description of the surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

##### § 296.84 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.<sup>6</sup>

##### § 296.85 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate, or the railroad carrier or its affiliate, will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 296.86.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

##### § 296.86 Criteria for authorization.

The Board will approve the application if it appears that:

(a) the applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) The applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) The applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.<sup>7</sup>

##### § 296.87 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

##### § 296.88 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

##### § 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or railroad carriers or a group of motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 296.86). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers, or railroad carrier or railroad

<sup>6</sup>Requests for the weekly publication should be addressed to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.



carriers, in accordance with procedures specified by § 296.62.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc.75-17405 Filed 7-2-75;8:45 am]

[Reg. ER-918; Amdt. 13]

**PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS**

**Repeal of Part**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

By ER-917, issued contemporaneously, the Board consolidated Part 297 into Part 296 of the Economic Regulations. Accordingly, Part 297 is being repealed. Since repeal merely implements ER-917 and is otherwise without substantive effect, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby repeals Part 297 of the Economic Regulations (14 CFR Part 297) effective June 27, 1975. (Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17400 Filed 7-2-75;8:45 am]

\* Section 399.20 (Policy statements) articulates decisional standards in this area.

**SUBCHAPTER F—POLICY STATEMENTS**

[Reg. PS-66; Amdt. 45]

**PART 399—STATEMENTS OF GENERAL POLICY**

**Issuance of Foreign Air Carrier Permits for Canadian Transborder Operations in Small Aircraft**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 27, 1975.

By ER-915, issued contemporaneously herewith, the Board has made various technical revisions to Part 211 of its Economic Regulations, insofar as special provisions are there prescribed for applications by Canadian air carriers for permits authorizing small aircraft operations between the United States and Canada. As explained there, such revisions have been made in order to reflect our regulatory implementation of the Nonscheduled Air Service Agreement which is currently in effect between Canada and the United States.

The foregoing amendment to Part 211 thus reflects our current policy with respect to the issuance of foreign air carrier permits for Canadian transborder operations in small aircraft. The policy statement on this subject, as set forth in § 399.14 of this Part 399, must therefore also be revised, so as to conform to such amendment.

Since the within revision of a policy statement is not of a substantive nature, and imposes no burden on anyone, the Board finds that notice and public pro-

cedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399 of its Policy Statements (14 CFR Part 399), effective June 27, 1975, as follows:

Revise § 399.14 to read as follows:

**§ 399.14 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.**

It has been the policy of the Board, in accordance with a reciprocal understanding with the Air Transport Board of Canada (now the Air Transport Committee of the Canadian Transport Commission) published March 13, 1952, to facilitate so far as possible under existing law the issuance of foreign air carrier permits to Canadian operators of small aircraft for irregular transborder operations in common carriage. In keeping with the spirit of the above understanding, as well as that of the Nonscheduled Air Service Agreement between the United States and Canada signed May 8, 1974, it is the policy of the Board to continue this special facilitation for issuance of foreign air carrier permits authorizing only charter flights with small aircraft pursuant to the above Agreement.

(Secs. 204 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17402 Filed 7-2-75;8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### [ 36 CFR Part 2 ]

#### PICTURED SYMBOL SIGNS

#### Proposed Adoption for National Park System

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior, by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 36 of the Code of Federal Regulations, by amending § 2.35, as set forth below.

Subsequent to the Memorandum of Understanding between the National Park Service and the Federal Highway Administration, signed August 3, 1973, we propose the adoption of the following pictured symbol signs to give notice and information to visitors in areas of the National Park System.

This submission adds to and revises some of the picture symbol signs published November 15, 1973, (38 FR 31511) in the FEDERAL REGISTER.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, National Park Service, Department of the Interior, Washington, D.C., on or before August 4, 1975.

Dated: May 20, 1975.

JOE BROWN,  
Acting Associate Director.

It is proposed to amend § 2.35 by revising and adding the following signs.

The following sign symbols are to be used in areas administered by the National Park Service and appropriately by other recreational agencies on a National basis.

#### PROPOSED REVISIONS

1. *Snowmobiling*. Slight revision showing protective helmet.
2. *Swimming*. Slight revision showing additional waterline.
3. *Trail bike*. Revision showing a more modern bike and protective helmet on the rider.

#### PROPOSED ADDITIONS

4. *Snowshoeing*.—*Description*. Area where snowshoeing is permitted. <sup>1</sup>Area where snowshoeing is not permitted.

5. *Canoeing*.—*Description*. Area where canoeing is permitted. <sup>1</sup>Area where canoeing is not permitted.

6. *Point of interest*.—*Description*. Used to denote a point of interest.

NPS will underplate with the title for a minimum of 5 years.

7. *Rockclimbing*.—*Description*. Area where rockclimbing is permitted. <sup>1</sup>Area where rockclimbing is not permitted.

8. *Climbing*.—*Description*. Area where climbing is permitted. <sup>1</sup>Area where climbing is not permitted.

<sup>1</sup>Where an activity is prohibited, a red slash shall be placed diagonally, from left to right across the face of the symbol.

9. *Rock collecting*.—*Description*. Area where rock collecting is permitted. <sup>1</sup>Area where rock collecting is not permitted.

10. *Spelunking*.—*Description*. Area where spelunking or caving is permitted. <sup>1</sup>Area where spelunking or caving is not permitted.

11. *Laundromat*.—*Description*. Area where washing and drying facilities are available.

12. *Litter*.—*Description*. Receptacle or area to deposit litter.

13. *Boat tours*.—*Description*. Interpretive boat tour route with numbered markers or interpretive signs or for use with guide booklet or other devices (oversized plates may be used for sequential numbering or to show direction.)

14. *Wading*.—*Description*. Area where wading is permitted. <sup>1</sup>Area where wading is not permitted.

NPS will underplate with the title for 5 years.



SYMBOL 1



SYMBOL 2

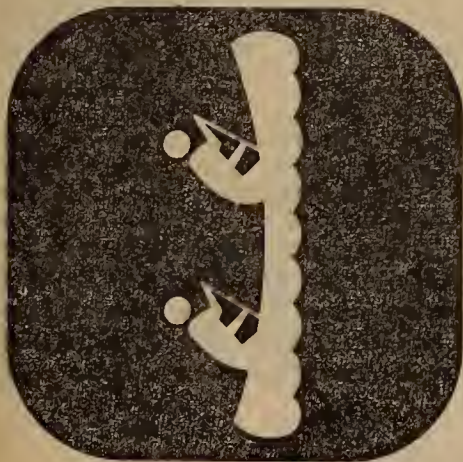


SYMBOL 3

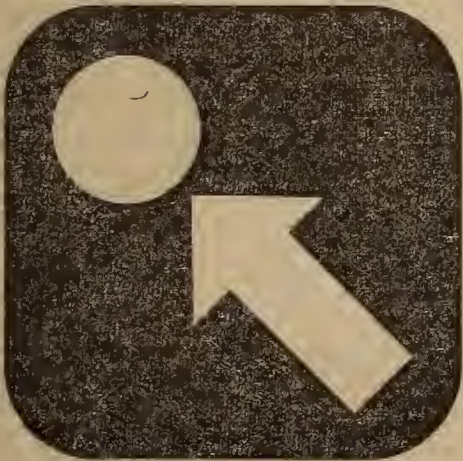


SYMBOL 4

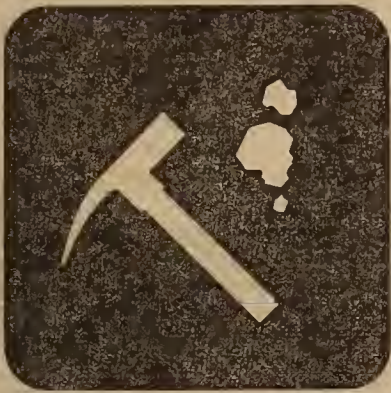




SYMBOL 5



SYMBOL 6



SYMBOL 9



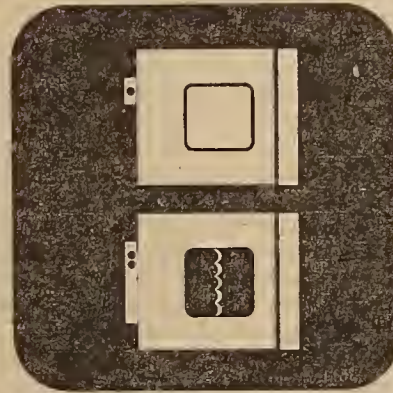
SYMBOL 10



SYMBOL 7



SYMBOL 8

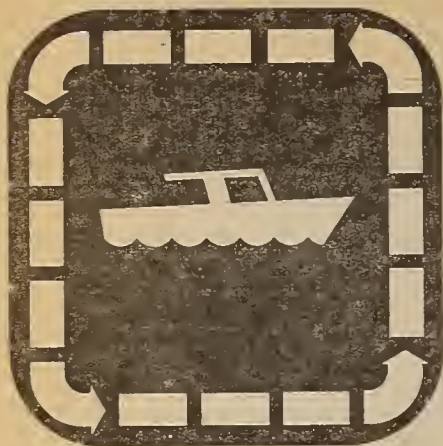


SYMBOL 11



SYMBOL 12





SYMBOL 13



SYMBOL 14

[FR Doc.75-17303 Filed 7-2-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

## NECTARINES GROWN IN CALIFORNIA

## Expenses and Rate of Assessment

This notice invites written comment relative to the proposed expenses of \$655,581 and rate of assessment of \$0.06 per No. 22D standard lug box of nectarines to support the activities of the Nectarine Administrative Committee for the 1975-76 fiscal period under Marketing Order No. 916. The notice also contains a proposal that unexpended assessment funds from the previous fiscal period be placed into the reserve fund.

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1975, through February 29, 1976, will amount to \$655,581;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 be fixed at \$0.06 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk; and

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1975, shall be carried over as a reserve in accordance with § 916.42 of said amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same

meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture."

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 27, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17344 Filed 7-2-75;8:45 am]

## Agricultural Marketing Service

[7 CFR Part 915]

## HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

## Notice of Proposed Rulemaking

Notice is hereby given that the Department is giving consideration to the following proposal which would revise the container regulation presently in effect so as to reduce the net weight requirement of avocados packed in specified containers. The proposal was submitted by the Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal reflects the committee's current appraisal of present and prospective marketing conditions for avocados. Seasonal shipments of avocados in limited volume are now in progress. The Avocado Administrative Committee on June 11, 1975, held a meeting to consider the current crop and marketing condi-

tions for avocados. After careful study of its containers and those being used by handlers in other producing areas of the United States, the committee has concluded that Florida producers and handlers are at a disadvantage in that Florida handlers must pack not less than 13-½ pounds net weight of avocados in specified one layer containers and must pack not less than 27 pounds net weight of avocados in specified two layer containers prescribed in § 915.305 (Avocado Order 5; 7 CFR 915.305; Subpart-Container Regulation). Handlers in California, the State having the largest avocado production, ship in a one layer carton (or tray) with a net content of not less than 12-½ pounds of avocados and ship in a two layer carton (or lug) with a net content of not less than 25 pounds of avocados. Hence, the committee unanimously recommended that its container regulation be modified as follows:

Revise the provisions of subparagraphs (a)(1) (viii), (ix) and (x) of § 915.305 (Avocado Order 5; 7 CFR 915.305) to read as follows:

## § 915.305 Avocado Order 5.

(a) Order. (1) \* \* \*

(viii) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, all avocados packed in such containers shall be placed in one layer only and the net weight of all varieties of avocados in any such container shall be not less than 12½ pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such applicable weight requirement.

(ix) With respect to the container prescribed in subdivision (v) of this subparagraph, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(x) With respect to the containers prescribed in paragraph (a)(i)(vi) of this section, all avocados in such containers shall be placed in two layers only and the net weight of the avocados in any such container shall be not less than 25 pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *provided further*, That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

\* \* \* \* \*

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 18, 1975. All such communications will be made



available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 30, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.75-17416 Filed 7-2-75;8:45 am]

#### [ 7 CFR Part 958 ]

### ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

#### Notice of Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Idaho-Eastern Oregon onions, would require minimum quality standards and inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958). This program regulates the handling of onions grown in the production area defined therein and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about August 1.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to the grade, size, quality, pack and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

#### § 958.320 Handling regulation.

During the period July 30, 1975, through April 30, 1976, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

##### (a) Grade, size, and pack requirements.

(1) *Yellow varieties.* U.S. No. 1, 2½ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2½ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter or larger; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraph (c) or (e) of this section.

##### (c) Special purpose shipments.

The minimum grade, size, quality and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes.

- (1) Planting;
- (2) Livestock feed;
- (3) Charity;
- (4) Dehydration;
- (5) Canning; and
- (6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning except for sizes of grades regulated as when used in the "United States Standards for Grades of Onions", as amended (§§ 51.2830-51.2854 of this title). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: June 30, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural  
Marketing Service.

[FR Doc.75-17412 Filed 7-2-75;8:45 am]

#### [ 7 CFR Part 980 ]

### ONION IMPORTS

#### Notice of Proposed Rulemaking

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, a regulation to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in duplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

#### § 980.114 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 30, 1975, and continuing through April 30, 1976, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

##### (a) Grade, size and maturity requirements.

(1) *Yellow varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.



(2) *White varieties*: U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties*: At least "moderately cured."

(b) *Condition*. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity*. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine*. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service*. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates*. (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e of the act (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	Leo M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2902).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	John L. Coulon, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2230 or 4116).	2 days.
New York City, N.Y.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans, La.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-589-6741 or 6742).	Do.
Miami, Fla.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-2089).	Do.
All other points.	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) the quantity of the commodity covered by the certificate;
- (v) The principal identifying marks on the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation*. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions*. For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 30, 1975.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.75-17413 Filed 7-2-75;8:45 am]

## [ 7 CFR Part 1201 ]

### TYPE 62 CIGAR-LEAF TOBACCO

#### Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia is being considered for the fiscal period ending January 31, 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed that 7 CFR 1201.53 be suspended.

The provision proposed to be suspended reads as follows:

§ 1201.53 *Initial regulation fixing number of leaves that may be handled*. Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

The Control Committee has requested this suspension because substantially reduced plantings will not meet the expected demand. The suspension of the provisions in § 1201.53 would eliminate the need to count leaves and provide needed flexibility among growers.



Signed at Washington, D.C., on June 27, 1975.

WILLIAM H. WALKER, III,  
Deputy Administrator for Pro-  
gram Operations, Agricultural  
Marketing Service.

[FR Doc.75-17414 Filed 7-2-75;8:45 am]

[ 7 CFR Part 1201 ]

**HANDLING OF TYPE 62 SHADE-GROWN  
CIGAR-LEAF TOBACCO**

**Proposed Rulemaking**

Notice is hereby given that pursuant to the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), no expenses will be incurred by the Control Committee during the fiscal period ending January 31, 1976.

As a result, it will not be necessary to make any assessments against eligible handlers.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 27, 1975.

WILLIAM H. WALKER, III,  
Deputy Administrator for Pro-  
gram Operations, Agricultural  
Marketing Service.

[FR Doc.75-17415 Filed 7-2-75;8:45 am]

**Agricultural Stabilization and Conservation  
Service**

[ 7 CFR Part 728 ]

**1976 WHEAT SET-ASIDE PROGRAM**

**Proposed Determinations and Program  
Operating Provisions for 1976**

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) whether there should be a set-aside requirement for wheat for the 1976 crop; and, if so, the extent of such requirement; (b) whether there should be a provision for additional diversion for the 1976 crop and, if so, the extent of such diversion and payment rate therefor; and (c) other related provisions necessary to carry out the set-aside program.

The determinations are to be based on the following considerations:

(a) *Whether there should be a set-aside requirement for wheat for the 1976 crop.* Section 379b (c) (1) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary shall provide for a set aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set aside of cropland is in effect, then, as a condition of eligibility for loans, purchases, and payments authorized by section 107(c) of the Agricultural Act of 1949, the producers on a farm must set aside and devote of approved conservation uses an acreage of cropland equal to such percentage of the wheat allotment for the farm as may be specified by the Secretary.

(b) *Whether there should be a provision for additional diversion and, if so, the extent of such diversion and the payment rate therefor.* Section 379b(c) (2) of the Agricultural Adjustment Act of 1938, as amended, provides that, to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized by section 107(c) of the Agricultural Act of 1949 to be made for required diversion, to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be devoted under the regular program. The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable, taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(c) *Other related provisions necessary to carry out the set-aside program for 1976* including but not limited to determinations such as (1) whether substitution should be permitted and, if so, the extent of such substitution, (2) whether to permit haying and grazing and/or alternate crops on set-aside acreage if it is determined that set aside is needed, (3) the terms and conditions under which haying and grazing and/or alternate crops will be allowed and (4) such other provisions as may be necessary to carry out the program.

Prior to making any of the foregoing determinations consideration will be given to any data, views and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than

August 4, 1975. All written submissions pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc.75-17417 Filed 7-2-75;8:45 am]

[ 7 CFR Part 775 ]

**1976 National Feed Grain Allotment and  
Feed Grain Set-Aside Program**

**PROPOSED DETERMINATIONS AND  
OTHER RELATED SET-ASIDE OPERAT-  
ING PROVISIONS FOR 1976**

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) 1976 feed grain allotment; (b) whether there should be a set-aside requirement for feed grains for the 1976 crop and, if so, the extent of such requirement; (c) whether there should be a provision for additional diversion for the 1976 crop and, if so, the extent of such diversion and payment rate therefor; and (d) other related provisions necessary to carry out the set-aside program.

The determinations are to be based on the following considerations:

(a) *Determining the 1976 National Feed Grain Allotment.* Section 105(b) (2) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall, prior to January 1 of each calendar year, determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains, which shall be the number of acres he determines on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

(b) *Whether there should be a set-aside requirement for feed grains for the 1976 crop and, if so, the extent of such requirement.* Section 105(c) (1) of the Agricultural Act of 1949, as amended, by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall provide for a set aside of cropland, if he determines that the total supply of feed grains or other commodities will, in the absence of such a set aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable



supplies and prices of feed grains and to meet a national emergency. If a set aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, sorghum, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to such percentage of the feed grain allotment for the farm as may be specified by the Secretary.

(c) *Whether there should be a provision for additional diversion for the 1975 crop and, if so, the extent of such diversion and payment rate therefor.* Section 105(c)(2) of the Agricultural Act of 1949, as amended, provides that to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(d) *Other related provisions necessary to carry out the set-aside program* including but not limited to determinations such as (1) whether to include barley, (2) whether substitution should be permitted and, if so, the extent of such substitution, (3) whether to permit haying and grazing and/or alternate crops on set-aside acreage if it is determined that set aside is needed, (4) the terms and conditions under which haying and grazing and/or alternate crops will be allowed and (5) such other provisions as may be necessary to carry out the program.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations relative to the feed grain allotment and the feed grain set-aside program determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received by the Director not later than August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours. (8:15 a.m. to 4:45 p.m.)

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,  
*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.75-17418 Filed 7-2-75;8:45 am]

#### Commodity Credit Corporation

##### [ 7 CFR Part 1421 ]

#### 1976 FEED GRAIN AND WHEAT LOAN, PURCHASE AND PAYMENT PROGRAMS

##### Proposed Determinations and Operating Provisions for 1976

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) the loan and purchase levels for the 1976 crops of feed grain and wheat, including commodity eligibility, storage requirements, premiums and discounts; (b) CCC minimum resale price; and (c) other related provisions necessary to carry out the loan, purchase, and payment programs.

The determinations are to be based on the following considerations:

(a) *Loan and Purchase Rates.* Section 105(a)(1) of the Agricultural Act of 1949, as amended, provides that the Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than \$1.10 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

Section 105(a)(2) provides that the Secretary shall make available to producers loans and purchases on each crop of barley, oats and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b), and on each crop of sorghum at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of sorghum in relation to corn.

Section 107(a) of the Agricultural Act of 1949, as amended, provides that loans and purchases for wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains and the level at which price support is made available for feed grains, but in no event shall such level be in excess of the parity price for wheat or less than \$1.37 per bushel.

(b) *Other related provisions necessary to carry out the feed grain and wheat loan, purchase and payment programs for 1976* including but not limited to determinations such as (1) CCC minimum

resale price, (2) commodity eligibility, (3) storage requirements, (4) premiums and discounts for grades, classes and other qualities, and (5) such other provisions as may be necessary to carry out the programs.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,  
*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.75-17419 Filed 7-2-75;8:45 am]

#### Farmers Home Administration

##### [ 7 CFR Part 1822 ]

[FmHA Instruction 444.1]

#### RURAL HOUSING LOANS AND GRANTS

##### Definition of Rural Area

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of § 1822.3 (c) and (d) of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 44993) to further improve the operation and administration of the section 502 rural housing loan program. This amendment expands and clarifies the definition of a "rural area" and redefines and redesignates the definition of a "place."

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, within August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.-4:45 p.m.)

As proposed, § 1822.3 (c) and (d) read as follows:

##### § 1822.3 Definitions.

\* \* \* \* \*

(c) *Rural area.* (1) Open country which is not part of or associated with an urban area; or

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which:

(i) Is not part of or associated with an urban area; and



- (ii) Has a population not in excess of 10,000 if it is rural in character; or
- (iii) Has a population in excess of 10,000 but not in excess of 20,000; and
- (A) Is not contained within a standard metropolitan statistical area; and
- (B) Has a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(3) A determination that open country, place, town, village, or city is not part of or associated with an urban area must include a finding that:

(i) The area in question, except as provided in subparagraph (5) of this paragraph, is separated from any adjacent urban area by open spaces (which are undeveloped, agricultural, or sparsely settled) other than minor open spaces due to physical barriers, commercial and industrial developments, public parks and similar open spaces, and areas reserved for recreational purposes; and

(ii) The area in question is not recognized as primarily a residential area ("bedroom community") for families employed in an urban area.

(4) The determination in subparagraph (3) of this paragraph should also consider such factors as:

(i) The existence of known plans for development of a substantial portion of the intervening land within the near future (e.g., 3 to 5 years) between the area in question and an urban area;

(ii) The area in question has a separate school system and separate utilities such as water and sewer and solid waste disposal;

(iii) Other relevant factors.

(5) Two or more towns, villages, cities, and places may have contiguous boundaries and each be considered separately if they are not otherwise associated with each other as determined after considering the factors in paragraph (c) (3) and (4) of this section.

(6) "Place" consists of an area containing a concentration of inhabitants within a determinable unincorporated area.

(7) "Urban area" means either a town, village, city or place, or any associated combination thereof, which with the immediately adjacent densely settled area has a population in excess of the limits prescribed in paragraph (c) (2) (ii) and (iii) of this section.

(8) Population counts will be based on the latest official figures.

(9) The State Director, through appropriate state instructions, shall identify by list and maps "rural areas" for the purposes of this instruction, provided however, that no list or map of areas in excess of 10,000 but not in excess of 20,000 that are to be characterized as "rural areas" will be identified in said state instruction without the prior authorization of the National Office.

(d) *Town.* A "town" means a municipality similar to a city but not a New England-type town which resembles a township or county in most states.

\* \* \* \* \*

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: June 30, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-17378 Filed 7-2-75; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [21 CFR Part 1020]

[Docket No. 75N-0071]

### DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

#### Amendments to Performance Standard

##### Correction

In FR Doc. 75-15220 appearing at page 24909 in the issue for Wednesday, June 11, 1975, on page 24913, in the 17th line of § 1020.31(g) (2), "beam axle" should read "beam axis".

### Social Security Administration

#### [20 CFR Parts 404, 416]

[Regulations No. 4, 16]

### FEDERAL OLD-AGE, SURVIVORS AND DIS- ABILITY INSURANCE AND SUPPLE- MENTAL SECURITY INCOME

#### Administrative Actions That Are Initial Determinations

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

In administering the program under title II of the Social Security Act (Federal old-age, survivors, and disability insurance) and the program under title XVI of the Act (supplemental security income for the aged, blind, and disabled), it is the policy of the Social Security Administration that the decision regarding who is designated to serve or continue to serve as representative payee is an initial determination. The proposed amendments would reflect this policy and accord the same appeal rights with respect to this decision as now are accorded with respect to the decision as to whether representative payment shall serve the interest of an individual by reason of his incapacity to manage his benefit payments, except decisions involving beneficiaries under age 18 or legally incompetent.

Under the proposed § 404.905(n) relating to representative payees for retirement, survivors, and disability insurance beneficiaries, only the beneficiary or his legal representative would have the right to appeal the determination as to who shall be the representative payee.

Therefore, the decision that a certain individual shall not be a payee would not be considered an initial determination and no administrative appeal rights could flow therefrom.

Under proposed § 416.1403(a) (3) relating to supplemental security income, only the recipient, his legal representative, or an essential person who can show in writing that he may be prejudiced thereby, has the right to appeal the decision as to who shall be the representative payee. Section 416.1403(b) would be amended to specifically state that the denial of an application to be made representative payee would not be considered an initial determination and, therefore, no administrative appeal rights could flow therefrom.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before August 4, 1975. The regulations will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment to Regulations No. 4 is to be issued under the authority contained in sections 205 (a), (j), and (k), and 1102 of the Social Security Act as amended, 53 Stat. 1368, as amended, 53 Stat. 1372, 49 Stat. 647, as amended, 42 U.S.C. 405 (a), (j), and (k), and 1302.

The proposed amendment to Regulations No. 16 is to be issued under the authority contained in sections 1102 and 1631(a) of the Social Security Act as amended, 49 Stat. 647, as amended, and 86 Stat. 1475 (42 U.S.C. 1302 and 1383 (a)).

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; and 13.807, Supplemental Security Income Program.)

Dated: June 16, 1975.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: June 27, 1975.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education and Welfare.

Regulations No. 4 and 16 of the Social Security Administration (20 CFR Parts 404 and 416) are amended as follows:

1. Paragraph (n) of § 404.905 is revised to read as follows:

§ 404.905 Administrative actions that are initial determinations.

\* \* \* \* \*

(n) *Need for representative payment.* The Social Security Administration shall



make findings, setting forth the pertinent facts and conclusions and an initial determination under section 205(j) of the Act, as to (1) whether representative payment shall serve the interests of an individual by reason of his incapacity to manage his benefit payments, except that findings as to incapacity with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent shall not be considered initial determinations; and (2) who shall be appointed or continued as representative payee on behalf of a beneficiary under title II of the Act (see § 404.1601).

2. Paragraph (c) of § 404.906 is revised to read as follows:

**§ 404.906 Administrative actions which are not initial determinations.**

\* \* \* \*

(c) The denial of an application to be made representative payee for and on behalf of a beneficiary under title II of the Act (see § 404.1601).

3. Section 416.1403 is amended by renumbering present paragraphs (a)(3) and (a)(4) as paragraphs (a)(4) and (a)(5), respectively; adding a new paragraph (a)(3); and revising paragraph (b) to read as follows:

**§ 416.1403 Determinations.**

(a) *Initial determinations.* \* \* \*

(3) A determination regarding to whom representative payment shall be made or continue to be made; except that the parties (see § 416.1414) to such initial determination shall be restricted to the recipient and his legal representative; and may include an essential person as defined in § 416.243 who has shown in writing that he may be prejudiced by such determination.

\* \* \* \*

(b) *Other determinations.* (1) The following are not initial determinations:

(i) The denial of an application to be made representative payee for and on behalf of a beneficiary under title XVI of the Act (see Subpart F of this part);

(ii) Determinations with respect to presumptive disability for the payment of benefits prior to a determination of disability; and

(iii) Determinations with respect to eligibility for, or amount of, emergency cash advances.

(2) However, when payment of presumptive disability benefits or emergency cash advances are made, a notice shall be sent, explaining the nature of the payments and the conditions under which they are made; and notice shall also be sent when no further presumptive disability payments can be made.

[FR Doc.75-17407 Filed 7-2-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 39 ]

[Airworthiness Docket No. 75-SW-34]

### AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1 and  
206B-1 Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. There have been reports of loose bolts occurring in the main rotor hub pillow blocks. Loss of the bolts could possibly cause loss of a main rotor hub pillow block housing and bearing. The manufacturer has designed a new flanged bushing for the pillow block housing to prevent the loss of attaching bolt torque and attendant loose bolts. Since loss of bolt torque is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require installation of flanged bushings, P/N 206-011-128-1, within 600 hours' time in service on Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. This proposal is being made in the interest of flight safety.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 4, 1975, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**BELL.** Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters Certificated in all Categories.

Compliance required within 600 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent loss of attaching bolt torque for the main rotor blade hub pillow blocks, accomplish the following:

(a) Remove the four nuts and bolts that attach the pillow block assemblies to the main rotor yoke and remove the washers,

P/N 206-010-171-1, and bushings, P/N 206-010-170-1.

(b) Install four flanged bushings, P/N 206-011-128-1, into the pillow blocks with the flanges facing outboard. Secure the pillow blocks to the yoke with appropriate nuts and bolts, with a washer under each nut, and torque the nut and bolt 60 inch pounds, plus drag (tare) torque of the self-locking nuts.

**NOTE.**—Compliance with items 1, 2, and 3 of Bell Service Bulletin No. 206-75-3, dated May 1, 1975, or later FAA approved revision, will constitute compliance with the requirements of this AD.

Issued in Fort Worth, Texas, on June 19, 1975.

A. H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc.75-17314 Filed 7-2-75;8:45 am]

### [ 14 CFR Part 75 ]

[Airspace Docket No. 75-SW-28]

### DESIGNATION OF JET ROUTES

#### Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate jet route segments from Phoenix, Ariz., to Newman, Tex., and from Roswell, N. Mex., to Abilene, Tex.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 4, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend J-65 from Roswell, N. Mex., to Abilene, Tex., and designate J-181 from Phoenix, Ariz., to Newman, Tex.

The proposed route segments would provide reduced route distances for east/west traffic during those times when air traffic can be cleared via these routes.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 26, 1975.

F. L. CUNNINGHAM,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.75-17317 Filed 7-2-75;8:45 am]



## [ 14 CFR Part 75 ]

[Airspace Docket No. 75-SW-30]

## ALTERATION OF JET ROUTE NO. J-29

## Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter J-29 south of Corpus Christi, Tex.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 4, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J-29 south of Corpus Christi, Tex., to the United States/Mexican border toward Monterrey, Mexico, rather than Brownsville, Tex. A sufficient number of daily flights on this route presently justifies its designation as a jet route.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 26, 1975.

F. L. CUNNINGHAM,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[FR Doc.75-17318 Filed 7-2-75;8:45 am]

## National Highway Traffic Safety Administration

## [ 49 CFR Part 571 ]

[Docket No. 75-5; Notice 02]

## AIR BRAKE STANDARDS

## No Modification for Agricultural Commodity Trailers

This notice announces that the National Highway Traffic Safety Administration will not amend Standard No. 121, *Air brake systems*, 49 CFR 571.121, as proposed March 20, 1975 (40 FR 13316, March 26, 1975). The proposal would have excluded from the emergency and parking brake requirements until January 1, 1976, trailers designed to transport bulk agricultural commodities from the field to processing or storage locations.

Standard No. 121 regulates the performance of the service, emergency, and parking brake systems of air-braked trucks, buses, and trailers. Section S5.6.3

specifies that the parking brake shall be applied by an energy source that is not affected by loss of air pressure and be held in the applied position solely by mechanical means. As noted in the proposal, most manufacturers utilize the stored energy of a depressed spring to apply and maintain the required braking force. The design can also be made to satisfy the emergency brake requirements for trailers (S5.8).

Utility Trailer Manufacturing Co. petitioned for delay of the parking brake requirement because its products often stand idle near the fields for such long periods that the available air pressure to hold off the springs slowly escapes and the spring brakes gradually apply. The farm tractors which subsequently tow the vehicle into the fields do not have air compressors to recharge the air supply and release the brakes in order to move the vehicles. Utility had considered the vehicles excluded from the standard as agricultural machinery and petitioned for a year's delay in order to bring their vehicles into conformity.

Three of the four comments received on the proposal objected to delay of the parking brake requirement. Trailmobile, Timpte, and Titan, also manufacturers of specialized agricultural haulers, stated that their products already conform to the trailer parking brake requirements, and Titan asked that those who had already met the requirement not be discriminated against because of their good faith efforts when a solution to the problem exists. These three manufacturers claim an engineering solution is immediately available to permit the operation of trailers in bulk commodity handling from the field. Manually operated valves are available in the industry which provide a method of releasing spring brakes for movement by powered vehicles not equipped with air brake systems. Such valves are permitted by the standard provided that, when the trailer is reconnected to a towing vehicle, control of the trailer parking reverts to the towing vehicle.

Tests conducted by the NHTSA's Safety Research Laboratory indicate that a "121" trailer with a well-maintained brake system will retain sufficient air pressure to release the parking brakes for several weeks. In these tests of two trailers for 8 days, there was a loss of only 5 psi from 120 to 115 psi in one trailer and a loss of 13 psi from 130 to 117 psi in the other. To provide for release of the spring brakes in the event there is a large loss of air pressure, parking brakes are available with mechanical releases.

Trailmobile and Timpte also noted the difficulty in accurately defining the specialized class of vehicles which face the problems of regular field use.

Fruehauf supported the delay as long as the vehicles would be equipped with the emergency braking capability presently required under the standard for trailer converter dollies. Utility Trailer did not file formal comments to the docket, but did send a telegram further defining the proposed category, and sug-

gested a date of April 21, 1976, in place of the proposed January 1, 1976, date.

The NHTSA has considered the submitted comments, and concludes that the proposed delay of parking and emergency brake requirements cannot be justified in view of design solutions which have already been implemented by other manufacturers to meet the problem of automatic spring brake application. To suspend the requirements would adversely affect the market position of those manufacturers who have implemented the parking brake requirement. While Utility did not develop a conforming system because of its erroneous assumption that the vehicles were not within the coverage of the Act, it appears that the vehicles can be made to comply.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on June 25, 1975.

JAMES B. GREGORY,  
*Administrator.*

[FR Doc.75-17351 Filed 7-2-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

## [ 40 CFR Part 52 ]

[FRL 394-1]

## APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

## Sulfur Oxides Control Strategy—Montana

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Montana. Specifically, the Administrator disapproved Montana's plan for attainment and maintenance of the national sulfur dioxide ambient air quality standards in the Helena Intrastate Region. On July 27, 1972 (37 FR 15094), pursuant to section 110(c) of the Clean Air Act, the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Montana plan. The proposed regulations included in part a sulfur dioxide emissions limitation of 3340 pounds per hour requiring 87 percent control of the total potential emissions of sulfur dioxide from the American Smelting and Refining Company's (ASARCO) lead smelter located near East Helena, Montana. This 87 percent control for ASARCO was based on an atmospheric diffusion air quality estimation which assumed a meteorological condition that the Administrator subsequently has determined to have a very low probability of occurrence. The air quality estimations have since been revised to reflect meteorological conditions which more adequately reflect actual conditions at the facility and thus have a more realistic probability of occurrence. As indicated below, the Administrator has determined that less control than previously proposed



will provide for attainment and maintenance of the national sulfur oxides ambient air quality standards.

The Environmental Protection Agency delayed final promulgation of its proposed regulation applicable to ASARCO to provide time to complete modeling and air quality monitoring studies and in anticipation of a state submittal of regulations with adequate compliance schedules. Furthermore, the Agency delayed final promulgation as a result of a lawsuit brought on September 26, 1972 in the U.S. District Court of Colorado, which judicially restrained and enjoined the agency from promulgating a similar regulation. *Anaconda Co. v. Ruckelshaus, et al.* 352 F. Supp. 697 (D. Colo. 1972). On appeal, the 10th Circuit Court of Appeals reversed the District Court on August 8, 1973, *Anaconda Co. v. Ruckelshaus, et al.* 482 F.2d 1301 (10th Cir. 1973). In the interest of avoiding duplicious litigation, the Agency delayed further action on the SO<sub>2</sub> control strategy development for the Helena Intrastate AQCR pending a decision on the merits in the above case.

On May 21, 1975, the Governor of Montana submitted a revision to the Montana State Implementation Plan (SIP) which would limit sulfur dioxide emissions from the sinter plant at the smelter to 20 tons per six-hour period and to 80 tons per 24-hour period. Additionally, the revision requires ASARCO to reduce its sinter plant emissions by 75 percent on an annual basis. The revision also includes a compliance schedule which provides for final compliance with the emission limitations by July 31, 1977. Since measured and diffusion model predicted ambient air quality data indicates that the SIP revision will provide for attainment and maintenance of the national sulfur oxides ambient air quality standards in the vicinity of the ASARCO smelter, the Administrator proposes to approve the Montana revisions.

The proposed Montana revisions are available for public inspection at the office of the State Agency and at the offices of the Environmental Protection Agency listed below. Additionally, an evaluation of the revisions is available at the offices of the Environmental Protection Agency listed below. The record of the public hearings has been reviewed and considered in the evaluation.

Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, Cogswell Building, Helena, Montana 59601.

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Room 329, 401 M Street SW, Washington, D.C. 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the proposed revisions. Such comments will be accepted for consideration until August 4, 1975. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860

Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

AUTHORITY: Sec. 110, Clean Air Act (42 U.S.C.—1857c-5); 39 FR 18805.

Dated: June 24, 1975.

JOHN A. GREEN,  
Regional Administrator,  
Region VIII.

[FR Doc.75-17292 Filed 7-2-75; 8:45 am]

## [ 40 CFR Part 52 ]

[FRL 395-1]

### MICHIGAN

#### Air Quality Implementation Plan

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the Michigan plan for the implementation of the national ambient air quality standards with specific exceptions. At that time, the Administrator also approved dates by which national ambient air quality standards were to be attained.

During June, July and September of 1974, the State of Michigan submitted to the EPA compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. The schedules were adopted by the State and submitted to EPA after due notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6. The schedules establish new dates by which the individual sources must comply with the applicable emission limitations in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading, "Final Compliance Date."

The submitted schedules are included in this notice by reference. They are identified in the table below by source name, location, applicable regulation, date schedule adopted, effective date and final compliance date.

#### Michigan

Source	Location	Regulation involved	Date schedule adopted	Effective date	Final compliance date
Detroit Edison	St. Clair	R. 336.49	Nov. 20, 1973	Immediately	Jan. 1, 1980
Ford Motor Co.	Wixom	R. 336.49	Sept. 16, 1974	do	Do.
Marquette Board of Light and Power	Marquette	R. 336.49	July 24, 1974	do	Do.
Union Camp Corp.	Monroe	R. 336.49	May 13, 1974	do	Do.
Watervliet Paper Co.	Watervliet	R. 336.49	Aug. 27, 1974	do	Do.

[FR Doc.75-17425 Filed 7-2-75; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 20532; RM-2495]

#### FM BROADCAST STATIONS

##### Table of Assignments; Tex.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM

This notice constitutes proposed rulemaking with respect to the subject schedules. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Approval/disapproval action will depend on whether the schedules are consistent with requirements set forth in section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51.

Copies of the compliance schedules together with a summary of air quality measurements submitted by the State of Michigan evidencing no air quality violations in the affected counties are available for public inspection between 8:15 a.m. and 4:45 p.m., Monday through Friday at the Region V office.

Comments received in response to this notice will also be available to the public at the Region V office. Only those comments received on or before August 4, 1975 will be considered prior to the Administrator's final rulemaking action.

(Sec. 110(a), Clean Air Act, as amended 42 U.S.C. 1857c-5(a))

Dated: June 23, 1975.

FRANCIS T. MAYO,  
Regional Administrator.

It is proposed to amend part 52 of 40 CFR Chapter I, as follows:

#### Subpart X—Michigan

1. Section 52.1170 is amended by adding a new paragraph (d) (3) as follows:

#### § 52.1170 Identification of plan.

(d) Revisions to the plan were submitted on: \* \* \*

(3.) June 13, 1974; July 26, 1974; September 27, 1974.

#### § 52.1175 [Amended]

2. In § 52.1175 the table in paragraph (e) is amended by adding the following:

Broadcast Stations. (Mineola, Gilmer and Canton, Texas)

1. *Petitioner, proposal and comments.* (a) Joint consideration of two mutually exclusive proposals: (1) A-C Corporation, licensee of AM Station KMOO, Mineola, Texas, filed, on December 16, 1974, a petition to assign Channel 237A to Mineola, as its first FM channel assignment; (2) J. R. McClure, tr/as KHYM Broadcasting Company (Mc-



Clure), licensee of AM Station KHYM, Gilmer, Texas, filed, on February 7, 1975, an opposition to the Mineola petition and a proposal to assign either Channel 237A or 249A to Gilmer, as its first FM channel assignment.<sup>1</sup>

(b) The proposal to assign Channel 237A to either Mineola or Gilmer can be adopted without affecting any existing FM assignments elsewhere and without restrictions to the location of an antenna site.

(c) The proposal to assign Channel 249A to Gilmer requires that the transmitter site must be located a minimum of 8.5 miles west of the community in order to meet the Commission's mileage separation rules with respect to adjacent Channel 251 (KTAL-FM) in Texarkana, Texas.

(d) In his opposition, McClure suggests that Channel 244A may be assigned to Mineola provided that channel were deleted from Canton, Texas, where it is unoccupied and unapplied for. The transmitter site for a station operating on Channel 244A at Mineola must be located approximately 2.75 miles west of the community. McClure also suggests that Channel 249A might be assigned to Mineola. However, such an assignment is not possible because of short spacing to FM Station KZEW (Channel 250) at Dallas, Texas.

**2. Demographic Data.** (a) *Location:* Mineola is located in Wood County approximately 77 miles east of Dallas and 200 miles north of Houston. Gilmer is the seat of Upshur County and is located approximately 32 miles east of Mineola.

(b) *Population—1970 U.S. Census:* Mineola—3,926; Wood County—18,589; Gilmer—4,196; Upshur County—20,976.

(c) *Present local aural services:* Mineola is served by AM Station KMOO (Class II, daytime-only), licensed to A-C Corporation. Gilmer is served by AM Station KHYM (Class II, daytime-only), licensed to McClure.

(d) *Economic considerations:* Each party has alleged sufficient economic activity in the respective communities to justify assignment of a first FM channel.

**3. Preclusions:** Since both proposals request a first FM assignment to communities not near a major population center, a preclusion study is not required.

**4. Additional considerations:** Assignment of Channel 237A cannot be made to both communities consistent with the Commission's mileage separation rule. Section 73.207(a) requires a minimum

distance of 65 miles between co-channel Class A frequencies. As noted before, Gilmer and Mineola are situated approximately 32 miles apart. In order to provide a first FM service to each community, therefore, it has been suggested that Channel 244A be assigned to Mineola. Such an assignment would require that Channel 244A be deleted from Canton (pop. 2,283), approximately 23 miles southwest of Mineola. Since no interest in the operation of that channel has been expressed, no replacement will be suggested. Finally, we do not favor the assignment of Channel 249A to Gilmer since the transmitter site for a station operating on that channel must be located at a distance from the community such that it would be doubtful that a station operating with maximum facilities could be capable of providing a 70 dBu coverage to the entire city. Inasmuch as there are channels available, we believe that the public interest would be best served by providing a channel to those communities where an interest has been expressed.

5. Accordingly, in light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), with respect to the cities listed below, as follows:

City	Channel No.	
	Present	Proposed
Mineola, Tex.....		244A
Gilmer, Tex.....		237A
Canton, Tex.....	244A	

6. The Commission's authority to institute rule making proceedings, showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before August 22, 1975, and reply comments on or before September 12, 1975.

Adopted: June 24, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[Docket No. 20532 RM-2495]

#### APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its

former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc.75-17380 Filed 7-2-75;8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

[ 12 CFR Part 329 ]

### INTEREST ON DEPOSITS

#### Individual Retirement Accounts (IRA's)

1. The Board of Directors of the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System are considering changes in their respective regulations governing the payment of interest on deposits. These changes would reflect differences in the treatment of deposits representing Individual Retirement Accounts (IRA's) from the treatment afforded other types of deposits. Prior to consideration of any specific changes, the Board of Directors desires to obtain a broad sampling of public opinion on several issues raised in connection with the offer of IRA plans by insured nonmember banks.

IRA's may be established in accordance with the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406)

<sup>1</sup>In Docket No. 20139, McClure filed a "counterproposal" to a petition to assign Channel 221A to Tyler, Texas. McClure requested that either Channel 221A, 237A or 249A be assigned to Gilmer, Texas. The assignment of Channel 221A to Tyler precludes the use of that channel at Gilmer under the Commission's minimum mileage separation rules. The *Report and Order in Docket No. 20139*, 40 Fed. Reg. 21030 (released May 15, 1975), assigned Channel 221A to Tyler and deferred further consideration of McClure's proposal for the Mineola proceeding herein.



which amends various provisions of the Internal Revenue Code ("Code"). IRA's established pursuant to § 408 of the Code (26 U.S.C. 408) are retirement plans which may be created by individuals who are not otherwise participating in existing pension plans. In making contributions to an IRA, an individual may deduct from his gross income up to \$1,500 or 15 percent of the compensation includable in his gross income for the taxable year, whichever is less, in determining his Federal income tax. In addition, earnings on funds contributed to an IRA are not taxable until distributed to the individual. Other provisions of the Code specify when distributions may be made, impose a 10 percent tax penalty on any funds prematurely distributed from an IRA and set the conditions under which funds can be transferred from one IRA to another without incurring the tax penalty. It is expected that the funds in many IRA's will be maintained on deposit in insured nonmember banks pursuant to trust or custodial agreements with the depository bank. These deposits will be referred to as IRA deposits to distinguish them from funds in an IRA which may be placed in other types of investments as well as deposits, depending on the nature of the agreement between the individual IRA participant and the trustee or custodian who holds and invests the funds.

The Board of Directors is interested in public comment on the following issues:

(1) Would existing provisions in the FDIC's regulations setting penalties for the withdrawal of time deposits prior to maturity unduly interfere with the distribution of all or part of the funds in an IRA when the participant retires, becomes disabled or dies?

The FDIC's regulations require that where all or part of a time deposit is withdrawn prior to maturity, interest paid on the amount withdrawn may not exceed the maximum rate for savings deposits and, in addition, up to three months of interest shall be forfeited (12 CFR 329.4). Consequently, participants who arrange to have their IRA funds invested in time deposits with long-term maturities in order to obtain higher rates of interest may incur a substantial interest penalty upon distribution of the funds if these deposits have not matured when the individual reaches the minimum age for discretionary distribution designated in the Code (59½), the designated age for mandatory distribution (70½), or when the individual becomes disabled or dies.<sup>1</sup>

In order to minimize the effect of the FDIC's existing penalty provisions upon the distribution of IRA funds at retirement, disability or death, insured nonmember banks maintaining IRA deposits would have to arrange the maturities of those deposits so that they would come

due at sufficiently brief intervals. This could impose a substantial burden on individual participants and banks to keep track of maturing deposits and to plan schedules for distribution at retirement accordingly. It would also result in a lower overall yield earned on IRA deposits than would be possible if deposits of longer maturities were available.

Accordingly, the FDIC is interested in whether some sort of limited exception to the present penalty provisions is necessary to facilitate withdrawal and distribution of IRA deposits when a participant retires, becomes disabled or dies. This issue is of particular significance because in instances of retirement, disability or death, IRA funds can in most instances be distributed without incurring the 10 percent tax penalty referred to previously.

(2) In view of the 10 percent tax penalty for premature distribution of IRA funds, does the FDIC's penalty for withdrawal of time deposits prior to maturity impose what amounts to a double penalty? If so, should an exception to the FDIC's penalty rules be considered for all withdrawals from IRA deposits regardless of when made?

Section 408 of the Code provides that when any funds are distributed from an IRA before the participant attains age 59½, becomes disabled or dies, his Federal income tax shall be increased by 10 percent of the amount distributed unless the funds are placed in another IRA within a specified time. The FDIC is interested in whether the 10 percent tax penalty for premature distribution of IRA funds would deter the early withdrawal of IRA deposits to such an extent that the FDIC need not require insured nonmember banks to impose a penalty for early withdrawal when IRA deposits are withdrawn prior to maturity.

(3) In view of the intent of Congress to encourage individuals to save for their retirement and in view of the fact that IRA funds may remain on deposit at financial institutions for very long periods of time, should the existing ceilings on interest rates paid by banks on time deposits be adjusted to permit commercial banks to pay interest on IRA deposits at rates equal to those that may be paid by savings and loan associations and mutual savings banks?

Thrift institutions are generally authorized to pay interest on their time deposits at rates ¼ of 1 percent above the rates authorized for commercial banks. Due to the anticipated long-term nature of IRA deposits and the effects of compounding, this ¼ percent differential can give rise to a substantial difference in the amount of interest a participant can earn on his IRA funds. In addition, there is the question of whether the custodian or trustee of an IRA has a fiduciary duty to deposit IRA funds exclusively in thrift institutions if the law permits them to pay higher rates of interest on their deposits than commercial banks. Accordingly, the FDIC is interested in whether commercial banks should be permitted to pay interest on IRA deposits at rates equivalent to those

that thrift institutions are permitted to pay.

(4) The FDIC is also interested in the extent of disintermediation which may possibly be brought about by shifting IRA funds from one investment to another or through the transfer of IRA funds from one institution to another.

Generally, trustees and custodians are authorized to place funds in various types of investments, either at their own discretion or pursuant to directions from the grantor. Absent an agreement limiting the investment of IRA funds to deposits, the trustee or custodian may transfer such funds to other investments such as U.S. Treasury bills. In addition, participants are generally permitted to transfer from one IRA to another once every three years without incurring the 10 percent tax penalty. This is due to the portable feature of IRA's and will presumably involve the actual movement of IRA funds between institutions. Accordingly, the FDIC is interested in the potential effects of such transfers on the level of deposits in financial institutions.

(5) Finally, the FDIC is considering the question of allowing a new type of deposit for IRA funds. This deposit might have the following characteristics:

(a) The maximum allowable rate of interest would increase over time so that a bank would be permitted to pay higher rates of interest on IRA deposits that remain in the bank for correspondingly longer periods of time;

(b) an IRA participant nearing retirement would be allowed to convert an existing long-term deposit to an "IRA Payout Certificate" that would permit the participant to receive periodic payouts at either a reduced interest penalty or no penalty at all in exchange for the participant's commitment to retain IRA funds on deposit for a specified period of time.

2. Interested persons are invited to submit their written data, views or arguments regarding this notice to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than July 30, 1975. All comments received on or before that date will be filed with the Records Unit in the Office of the Executive Secretary and will be made available for public inspection and copying during regular business hours. Copies will also be made available upon written request at a duplicating cost of 10 cents per page.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

[SEAL] ALAN R. MILLER,  
Executive Secretary.

[FR Doc.75-17322 Filed 7-2-75;8:45 am]

## [ 12 CFR Part 329 ]

### INTEREST ON DEPOSITS

#### Subordinated Debt Obligations

1. Pursuant to the authority in sections 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1823 (g)), and after consultation with the Board of Governors of the Federal Re-

<sup>1</sup> Although the FDIC's regulations do not require payment of a penalty where the depositor has died, this will not have any effect on the majority of IRA plans because the individual participants will not be considered depositors.



serve and the Federal Home Loan Bank Board, the Board of Directors of the Federal Deposit Insurance Corporation proposes to amend § 329.10 of the FDIC's rules and regulations. The proposal would afford those insured State nonmember banks which plan to issue subordinated debt obligations greater latitude in structuring their transactions without regard to the ceilings on interest rates which apply to certain obligations other than deposits.

Section 329.10 of the FDIC's rules and regulations imposes restrictions on obligations other than deposits that are "issued or undertaken by insured nonmember banks for the purpose of obtaining funds to be used in the banking business" (12 CFR 329.10(a) (1975)). These restrictions place such obligations on a par with deposits insofar as interest rate ceilings are concerned. However, there are certain exemptions, one of which covers any subordinated debt obligation that is approved by the FDIC as an addition to the issuer's capital structure and which meets, *inter alia*, the following criteria: The obligation must have an original maturity of 7 years or more and must be in an amount of at least \$500 (12 CFR 329.10(b) (3) (ii) (1975)). The FDIC may waive the restriction on maturity where it determines that "exigent circumstances" require the issuance of an obligation without regard to maturity or to the interest rate payable thereon (12 CFR 329.10(b) (3) (v) (1975)). There is no similar provision for a waiver as to amount.

The proposal would first modify the requirement that a subordinated debt obligation have an original maturity of 7 years or more. Under the proposal, such an obligation, or issue of obligations, need only have a weighted *average* maturity of 7 years where scheduled repayments of principal, once they begin, will be made at least annually and in equal amounts. This would permit retirement to begin at any time subsequent to the issue date.

In addition, the proposal would provide three limited bases for a waiver of the requirement that exempt subordinated debt obligations be in an amount of at least \$500. This requirement could be waived, at the option of the FDIC, in the following instances:

(1) Where necessary in order to satisfy the preemptive rights of shareholders in the case of a convertible debt issue;

(2) where necessary in order to maintain a ratable unit offering to holders of preemptive rights in the case of a subordinated debt obligation issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights; or

(3) where necessary to satisfy shareholders' ratable claims in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the

assets of the entity whose assets are being acquired.

It is the Board of Directors' opinion that a waiver of the amount limitation is justified in those instances where the nature of the transaction or the preemptive rights of shareholders effectively preclude the issuance of subordinated debt obligations in minimum denominations of \$500 or more. Under the proposal, the FDIC would retain the option to deny a request that it waive this amount limitation in those instances in which it determines that reasonable alternatives are available to the party seeking the waiver.

2. Section 329.10(b) would be amended as follows:

**§ 329.10 Obligations other than deposits.**

(b) *Exceptions.* The provisions of this Part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

(3) (i) Bears on its face, in bold-face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation;

(ii) Has a maturity of (A) at least seven years, or (B), in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity<sup>1</sup> of at least seven years and provides that once repayment of principal begins, all scheduled repayments shall be made no less frequently than on an annual basis and that each scheduled repayment shall be equal in amount to every other scheduled repayment; *provided* That the Federal Deposit Insurance Corporation may permit the issuance of an obligation or issue with a shorter maturity or average maturity, or an obligation or issue which otherwise fails to comply with the provisions of this subparagraph (ii), if the Federal Deposit Insurance Corporation has determined that exigent circumstances require the issuance of such obligation or issue;

(iii) Is in an amount of at least \$500, *provided* That the Federal Deposit Insurance Corporation may, at its option, permit the issuance of an obligation in a lesser amount where such lesser amount is necessary in order to either

(A) satisfy the preemptive rights of shareholders in the case of a convertible debt obligation; or

(B) maintain a ratable unit offering to holders of preemptive rights in the case of an obligation issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights; or

(C) satisfy shareholders' ratable claims in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan

<sup>1</sup> The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average of all such scheduled payments.

of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired.

(iv) States expressly that it is subordinated to the claims of depositors and is ineligible as collateral for a loan by the issuing bank;

(v) Is unsecured; and

(vi) Has been approved by the Federal Deposit Insurance Corporation as an addition to the bank's capital structure<sup>18</sup>; or

(4) \* \* \*

3. This notice is published pursuant to section 553(b) of Title 5, United States Code and §§ 302.1—302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit their written data, views or arguments on the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than August 29, 1975. All comments received on or before that date will be filed with the Records Unit in the Office of the Executive Secretary and will be made available for public inspection and copying during regular business hours. Copies will also be made available upon written request at a duplicating cost of 10 cents per page.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,

*Executive Secretary.*

[FR Doc.75-17323 Filed 7-2-75; 8:45 am]

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Parts 1, 11 ]

### LUMP SUM DISTRIBUTIONS

#### Public Hearing on Proposed Regulations

Proposed regulations under sections 62, 72, 101, 122, 402, 403, 405, 652, and 1304 of the Internal Revenue Code of 1954, relating to lump sum distributions, appear in the FEDERAL REGISTER for April 30 and May 23, 1975 (40 FR 18798, 22548).

A public hearing on the provisions of such proposed regulations will be held on August 12, 1975, beginning at 10 a.m. e.d.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The rules of § 601.601(a) (3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these

<sup>18</sup> Capital notes or debentures issued by insured nonmember banks are subject to the retirement provisions of section 18(i) (1) of the Federal Deposit Insurance Act whether or not such capital notes or debentures are exempt from the provisions of Part 329.



rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 1, 1975. Such outlines should be submitted to the Commissioner

of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 6, 1975. In such a case, unless time and circumstances

permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on August 11, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,  
*Director, Legislation and  
Regulations Division.*

[FR Doc.75-17552 Filed 7-2-75;9:46 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Agency for International Development

#### ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

##### Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (AID) to be held in Room 1105, Department of State, 22d and C Streets (Diplomatic Entrance), Washington, D.C. 20523, on August 6, 1975 at 10 a.m. This meeting will be open to the public. However, all attendees must check in with the receptionist, receive a visitor's pass and remain in the visitors area for a courier. The courier will escort Committee members and members of the public to the Conference Room.

The purpose of the subject Committee is to provide for a systematic, regularized dialogue between officials of AID and representatives of the engineering, construction, and architectural industry, or their alternates, in the interests of improved policy and procedures and improved industry performance relating to AID-financed activities.

The membership of the subject Committee is as follows:

William Marshall, Jr., representing American Institute of Architects. Charles B. Molineaux, representing American Society of Civil Engineers. John S. Withers, representing Associated General Contractors of America. H. Peter Guttman, representing American Consulting Engineers Council. Robert L. Nichols, representing National Society of Professional Engineers. Charles E. Golson, representing National Constructors Association.

The agenda for the August 6 meeting of the subject Committee to be held as aforesaid, shall be as follows:

1. AID program directions.
2. How can industry assist in developing "labor-intensive construction projects and operations?"
3. Appropriateness of "construction management concept" for the Less Developed Countries (LDCs).
4. Execution of AID's engineering work by contract.
5. Critique of AID's new "Country Contracting Handbook."
6. Usefulness and possible modification of AID's Architect/Engineer registration forms.
7. Education of architects and engineers for economic development.

8. How can AID more accurately predict capital project costs in developing countries?
9. Industry's problems and concerns.

CHARLES S. STEVENS,  
*Acting Director of Engineering,  
Agency for International Development.*

JUNE 25, 1975.

[FR Doc.75-17370 Filed 7-2-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

#### CARBON STEEL PLATE AND HIGH STRENGTH STEEL PLATE FROM MEXICO

##### Preliminary Countervailing Duty Determination

On October 4, 1972, a "Notice of Countervailing Duty Proceedings" was published in the FEDERAL REGISTER (37 FR 20875) stating that information had been received which raised a question as to whether certain payments, bestowals, rebates or refunds, granted by the Mexican Government upon the manufacture, production, or exportation of carbon steel and high strength steel plate constitute the payment or bestowal of a bounty or grant directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been determined that certain benefits have been received by the sole Mexican manufacturer/exporter of steel plate in the form of reduced freight rates for shipments destined to the border for export. The benefits derived from this program, however, are determined to be so insignificant as to constitute a *de minimis* amount. The investigation also revealed that the steel exporter does not receive preferential financing in the form of low interest rate loans provided by the Mexican Government. With respect to the tax rebates provided the steel manufacturer on export, it has been determined that these refunds constitute the rebate of indirect taxes which are directly related to the product and therefore not countervailable. Finally, it has been determined that the exemption from earnings for corporate income tax purposes of the refunds from the above-mentioned taxes does not constitute the payment or bestowal of a bounty or grant.

Accordingly, it has been determined preliminarily that no bounties or grants,

within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of carbon steel and high strength steel plate from Mexico. A final decision in this case is required on or before January 5, 1976.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] LEONARD LEHMAN,  
*Acting Commissioner of Customs.*

Approved: June 27, 1975.

DAVID R. MACDONALD,  
*Assistant Secretary of the Treasury.*

[FR Doc.75-17430 Filed 7-2-75;8:45 am]

#### CAST IRON SOIL PIPE AND FITTINGS FROM INDIA

##### Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of cast iron soil pipe and fittings from India constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined that cash payments made by the Government of India upon the exportation of cast iron soil pipe and fittings do not exceed the amount of indirect taxes paid which are directly related to the exported products. Further, it has been determined that no preferential freight rates are given to the cast iron soil pipe industry in India.

Accordingly, it has been determined preliminarily that no bounties or grants within the meaning of section 303 of the



Tariff Act of 1930, as amended (19 U.S.C. 1303) are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of cast iron soil pipe and fittings from India.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, Jr.,  
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.75-17435 Filed 7-2-75;8:45 am]

#### CHEESE FROM SWITZERLAND

##### Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of Switzerland upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

It has been determined preliminarily that payments are being made, directly or indirectly, by the Government of Switzerland, upon the manufacture, production, or exportation of Emmentaler and Gruyere Cheese, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The payments are in the form of deficiency payments from the Swiss Government to the Swiss Cheese Union, made at the end of each fiscal year to compensate for losses incurred in marketing Emmentaler and Gruyere Cheeses in both domestic and export markets.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this preliminary determination in writing to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office on or before July 18, 1975.

This preliminary determination is published pursuant to section 303(a) of the

Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: June 30, 1975.

JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.

[FR Doc.75-17439 Filed 7-2-75;8:45 am]

#### COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM INDIA

##### Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of cotton and man-made fiber textile products from India constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended, (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined that the Government of India does not make cash payments upon the manufacture, production, or exportation, of cotton and man-made fiber textiles. Further, it has been determined that a program for providing raw materials at concessional prices to manufacturers and producers of man-made fiber textiles in India has been terminated as of March 31, 1974 and no longer exists.

Accordingly, it has been determined preliminarily that no bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation, of cotton and man-made fiber textiles from India.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, Jr.,  
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.75-17437 Filed 7-2-75;8:45 am]

#### FLOAT GLASS FROM BELGIUM

##### Notice of Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of Belgium upon the manufacture, production, or exportation of float glass constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been tentatively determined that benefits have been received under various regional development programs maintained by the Belgian Government. Assistance available in development areas includes interest rebates on loans or payment of equivalent amounts where investor capital is utilized, employment premiums, reduced rate of capital gains tax, tax exemptions for interest rate subsidies and capital grants on investments, exemption from registration fees levied on increases in assets, exemption from real estate taxes, advanced depreciation and exemption from local taxes.

Benefits derived from programs such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of float glass from Belgium benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the section 303 of the Tariff Act of 1930, as amended, by reason of the incentive programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, Jr.,  
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-17434 Filed 7-2-75;8:45 am]



### FLOAT GLASS FROM ITALY Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the *FEDERAL REGISTER* (40 FR 2718). The notice stated that petitions had been received, including among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of float glass from Italy constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs regulations (19 CFR 159.47(C)), it has tentatively been determined that benefits have been received under various programs maintained by the Italian Government. These include Government assistance, in the form of investments grants, low-interest rate financing, and other incentives for facilities located in economically depressed areas, as well as preferential financing available outside the economically depressed areas.

Benefits derived from programs such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of float glass from Italy benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the section 303 of the Tariff Act of 1930, as amended, by reason of the incentive programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, Jr.,  
*Acting Commissioner of Customs.*

Approved: June 27, 1975.

DAVID R. MACDONALD,  
*Assistant Secretary of the  
Treasury.*

[FR Doc.75-17433 Filed 7-2-75;8:45 am]

### FOOTWEAR FROM THE REPUBLIC OF KOREA

#### Preliminary Countervailing Duty Determination

On June 20, 1972, a "Notice of Countervailing Duty Proceedings" was published in the *FEDERAL REGISTER* (37 FR 12163)

stating that information had been received which raised a question as to whether certain payments, bestowals, rebates or refunds granted by the Government of the Republic of Korea upon the manufacture, production or exportation of footwear (except footwear having uppers of which over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber or plastics, or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in item 700.51, 700.52, 700.53, 700.55, or 700.60, Tariff Schedules of the United States, constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the *FEDERAL REGISTER* (40 FR 2718) stating that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of the Republic of Korea upon the manufacture, production, or exportation of non-rubber footwear constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Act.

It has been determined that the payments, bestowals, rebates or refunds referred to in each of the above notices are related to the same practices and programs of the Government of the Republic of Korea and would apply to all types of footwear from the Republic of Korea. Accordingly, the investigations initiated by the two preceding notices have been combined into a single proceeding.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations, (19 CFR 159.47(c)), it has been determined preliminarily that a benefit has been received by Korean manufacturers/exporters of footwear which constitutes a bounty or grant within the meaning of the Act. The benefit arises from a program which consists of financing at preferential interest rates provided by the Government of the Republic of Korea to firms involved in the manufacture or exportation of footwear to the United States. Programs preliminarily determined not to be bounties or grants within the meaning of the Act include: duty exemptions for imported raw materials and the remission on export of the Korean business tax. Programs providing for duty exemptions for imported footwear production machinery and the exemption of export earnings for income tax purposes were eliminated by the Korean Government and a program providing for concessionary rates on electric power is not applicable to the Korean footwear industry.

A final decision in this case is required on or before January 5, 1976. Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing

with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, Jr.,  
*Acting Commissioner of Customs.*

Approved: June 27, 1975.

DAVID R. MACDONALD,  
*Assistant Secretary  
of the Treasury.*

[FR Doc.75-17432 Filed 7-2-75;8:45 am]

### FOOTWEAR FROM TAIWAN Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the *FEDERAL REGISTER* (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Taiwanese Government upon the manufacture, production, or exportation of footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that one of the practices, a program involving loans provided by the Government of Taiwan through its Central Bank to export firms at preferential interest rates, alleged to constitute a bounty or grant within the meaning of section 303 of the Act, was found to involve an amount which is considered to be *de minimis* in relation to the total volume of imports of the subject merchandise from Taiwan, and, accordingly, not subject to characterization as a bounty or grant within the meaning of section 303 of the Act. Programs which provide for the remission of the business tax on exported footwear, the drawback of Customs duties on imported raw materials, and the reduction of the stamp tax on business documents preliminarily have been found not to constitute a bounty or grant within the meaning of section 303. In addition, the program providing for the drawback of Customs duties for imported machinery and equipment used in the manufacture of footwear has been discontinued by the Taiwanese Government. Tax and various other incentives under the Statute for the Encouragement of Investment either are preliminarily found not to constitute bounties or grants or to have, at most, *de minimis* impact upon exports. Further inquiry regarding these programs will be made prior to a final determination.

Accordingly, it is determined preliminarily that no bounty or grant, within



the meaning of section 303, is being paid or bestowed, directly or indirectly upon the manufacture, production, or exportation of footwear from Taiwan. A final decision in this case is required on or before January 5, 1976.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] VERNON D. ACREE,  
*Commissioner of Customs.*

Approved: June 30, 1975.

JAMES B. CLAWSON,  
*Acting Assistant Secretary of  
the Treasury.*

[FR Doc.75-17436 Filed 7-2-75;8:45 am]

## PROCESSED ASPARAGUS FROM MEXICO

### Notice of Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Mexican Government upon the manufacture, production, or exportation of processed asparagus constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). For the purposes of this notice the term "processed asparagus" refers to canned asparagus.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that benefits have been conferred on exports of processed asparagus. These benefits include the granting of tax rebate certificates upon export.

Programs which confer benefits such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of processed asparagus from Mexico benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended, by reason of the programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments, sub-

mitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,  
*Acting Commissioner of Customs.*

Approved: June 27, 1975.

DAVID R. MACDONALD,  
*Assistant Secretary of the  
Treasury.*

[FR Doc.75-17431 Filed 7-2-75;8:45 am]

## Office of Revenue Sharing

### ENTITLEMENT DATA

#### Use of Estimates for General Revenue Sharing Purposes

Pursuant to § 51.20(b)(3) of the regulations in Part 51 of Subtitle B of Title 31 CFR, and the authority of the Secretary of the Treasury under section 109 (a)(7)(B) of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C.A. 1228(a)(7)(B)), notice is hereby given that the Secretary has used additional data and estimates which have necessitated upward revisions to the population of certain counties and states for purposes of the intrastate allocations for the fifth and sixth entitlement periods. Such revisions are contained in the accompanying table which shows original and revised 1970 and 1973 population estimates.

#### Population

State and county	1970 (entitlement period 5)		1973 (entitlement period 6)	
	Original	Revised <sup>1</sup>	Original	Revised <sup>1</sup>
Arizona.....	1,773,596	1,793,901	2,073,115	2,097,100
Apache.....	32,384	36,557	38,939	44,432
Coconino.....	48,326	56,269	60,053	69,636
Navajo.....	47,559	55,668	53,559	62,468
New Mexico.....	1,017,055	1,025,719	1,099,255	1,110,169
Bernalillo.....	315,774	316,775	353,955	354,986
McKinley.....	43,208	46,241	47,187	51,480
Rio Arriba.....	25,170	25,480	25,872	27,192
Sandoval.....	17,492	17,828	22,354	22,750
San Juan.....	52,517	56,397	58,824	63,484
Socorro.....	9,763	9,874	9,679	9,870
Valencia.....	40,576	40,569	43,406	43,429
Utah.....	1,059,273	1,060,190	1,150,233	1,150,753
San Juan.....	9,606	10,523	11,302	12,739
South Dakota.....	666,257	668,427	681,899	685,292
Bennett.....	3,088	4,031	3,320	4,329
Shannon.....	8,198	9,196	9,216	11,206
Washabaugh.....	1,389	1,618	1,568	1,962
Oklahoma.....			2,668,591	2,671,364
Osage.....			28,839	31,612

<sup>1</sup> For general revenue sharing purposes.

[FR Doc.75-17249 Filed 7-2-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### MADERA WATER POLLUTION ABATEMENT PROJECT, CALIF.

#### Negative Declaration

Pursuant to the National Environmental Policy Act of 1969, the Bureau of In-

Section 51.20(a) of the regulations (31 CFR 51.20(a)) provides that the data used in the determination of allocations and adjustments will be the latest and most complete data supplied by the Bureau of the Census or such other sources of data as in the judgment of the Secretary will provide for equitable allocations. Section 51.20(b)(3) of the regulations (31 CFR 51.20(b)(3)) requires that where the Secretary determines that the data provided by the Bureau of the Census or the Department of Commerce are not current enough, or are not comprehensive enough, or are otherwise inadequate to provide for equitable allocations he may use other data, including estimates. The Secretary's determination shall be final.

These revisions are a direct consequence of data verifications initiated by the Navajo, Oglala Sioux, and Osage Indian tribes. Documentary evidence presented by the tribes and estimates developed by the Bureau of Indian Affairs indicated higher population totals for those tribes than the 1970 or 1973 Census-based estimates provided. The acceptance by the Office of Revenue Sharing of the higher estimates necessitated comparable upward revisions in the population of the affected counties and states for purposes of equitably determining the intrastate allocations for the fifth and sixth entitlement periods.

Dated: June 27, 1975.

[SEAL] GRAHAM W. WATT,  
*Director, Office of  
Revenue Sharing.*  
*Director, Office of Revenue Sharing.*

dian Affairs, Department of the Interior, has prepared an environmental assessment on the proposed Madera Water Pollution Abatement Project, Madera Employment Training Center, American Indian Enterprises, Madera, California. The project includes the installations of pumping equipment and pipeline for transferring the surface effluent dis-



charges from the Madera Employment Training Center sewage lagoons to a nearby irrigation reservoir owned by the W. D. Fowler Company.

The Environmental Assessment indicates no significant environmental impact from the proposed action. Consequently, an Environmental Impact Statement will not be prepared.

The Environmental Assessment is on file and available for inspection at the following locations:

Bureau of Indian Affairs, Sacramento Area Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4682.

Bureau of Indian Affairs, Division of Facilities Engineering, Federal Office Building and U.S. Courthouse, P.O. Box 1248, Albuquerque, New Mexico 87103, Telephone (505) 766-2825.

Madera Employment Training Center, 19500 Road 28½, Madera, California 93637, Telephone (209) 674-8782.

The Bureau of Indian Affairs should be notified immediately of any objections to this project.

Dated: June 23, 1975.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc.75-17368 Filed 7-2-75;8:45 am]

#### Bureau of Land Management NEVADA

##### Filing of Plats of Survey and Order Providing for Opening of Lands

JUNE 27, 1975.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective 10 a.m., on August 15, 1975:

##### MOUNT DIABLO MERIDIAN, NEVADA

T. 32 N., R. 17 E.  
T. 32½ N., R. 17 E.  
T. 23 N., R. 18 E.  
T. 33, N., R. 18 E.

containing 11,510.30 acres

2. The land within T. 32 N., R. 17 E., and T. 32½ N., R. 17 E. is mostly mountainous with lava outcroppings, and sandy clay loam. The vegetation consists of sagebrush and bunchgrass. The land in T. 33 N., R. 18 E. is mountainous in the eastern portion. The remaining terrain is rolling to nearly level. The soil consists of sandy clay and is rocky. The vegetation is sagebrush and bunchgrass. Several springs are in this township.

The area surveyed and resurveyed in T. 23 N., R. 18 E. varies from mountainous in the west to nearly level in the central portion. The soil varies from sandy clay loam to rocky. The vegetation is sagebrush, bunchgrass, desert peach, and mountain mahogany. The Red Rock Road crosses the Township in a northwesterly direction. Rancho Haven is located in section 22.

3. Subject to valid existing rights, the provisions of existing withdrawals and

classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on August 15, 1975 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

[SEAL] LE GRAND BENNION,  
Chief, Branch of Records,  
and Data Management.

[FR Doc.75-17388 Filed 7-2-75;8:45 am]

[NM 25940, 25941, 25942, 25943, 25944, 25946, 25948]

#### NEW MEXICO Applications

JUNE 25, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for six 4 inch and one 2 inch natural gas pipeline rights-of-way across the following lands:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,  
Sec. 11, Lot 9;  
Sec. 13, Lots 6, 11, 14 and 15;  
Sec. 14, Lots 9 and 16;  
Sec. 23, Lots 3 and 4;  
Sec. 24, Lots 3 and 4;  
Sec. 25, Lots 9, 10 and 11;  
Sec. 26, Lots 5, 11, 12 and 14.

These pipelines will convey natural gas across 2,583 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.75-17392 Filed 7-2-75;8:45 am]

#### [NM 25755] NEW MEXICO Application

JUNE 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), K. B. Kennedy Engineering Com-

pany has applied for a 12¾ inch natural gas pipeline right-of-way across the following lands:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 30 E.  
Sec. 21, NE¼NE¼;  
Sec. 22, W½W½ and SE¼SW¼;  
Sec. 27, N½NW¼, SE¼NW¼, E½SW¼ and SW¼SE¼;  
Sec. 34, W½E½.  
T. 16 S., R. 31 E.  
Sec. 6, lots 2, 7, 8, 9, 10, 16 and E½SE¼;  
Sec. 7, NE¼NE¼;  
Sec. 8, W½W½;  
Sec. 17, SE¼NW¼, E½SW¼ and SW¼SE¼;  
Sec. 20, W½E½ and SE¼SE¼;  
Sec. 28, W½SW¼;  
Sec. 29, E½NE¼ and NE¼SE¼;  
Sec. 33, W½NW¼, NW¼SW¼ and E½SW¼.  
T. 17 S., R. 31 E.  
Sec. 4, lot 3, SW¼NE¼, SE¼NW¼, NE¼SW¼ and W½SE¼;  
Sec. 9, SE¼NE¼, W½NE¼ and E½SE¼;  
Sec. 14, NW¼SW¼, S½SW¼ and SW¼SE¼;  
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼ and N½SE¼;  
Sec. 23, N½NE¼;  
Sec. 24, W½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼.  
T. 17 S., R. 32 E.  
Sec. 19, lot 4;  
Sec. 29, SW¼NW¼, N½SW¼, SE¼SW¼ and S½SE¼;  
Sec. 30, lot 1, W½NE¼, SE¼NE¼ and NE¼NW¼;  
Sec. 33, NW¼NW¼, S½NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼;  
Sec. 34, SW¼SW¼.  
T. 18 S., R. 32 E.  
Sec. 3, lots 2, 3, 4 and S½NE¼;  
Sec. 11, NE¼NE¼;  
Sec. 12, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼.  
T. 18 S., R. 33 E.  
Sec. 7, lots 3, 4, SE¼SW¼, SW¼SE¼;  
Sec. 17, S½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;  
Sec. 18, N½NE¼ and SE¼NE¼;  
Sec. 21, NW¼NE¼, S½NE¼ and N½NW¼;  
Sec. 22, SW¼NW¼, N½SW¼, NW¼SE¼ and S½SE¼;  
Sec. 25, N½SW¼, SE¼SW¼ and SW¼SE¼;  
Sec. 26, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼;  
Sec. 27, NE¼NE¼.  
T. 18 S., R. 34 E.  
Sec. 31, lot 1, N½NE¼ and NE¼NW¼.

This pipeline will convey natural gas across 28.26 miles of national resource lands in Chaves, Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.75-17393 Filed 7-2-75;8:45 am]



[NM 25937]

## NEW MEXICO

## Application

JUNE 25, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 32 N., R. 11 W.,  
Sec. 15, NE¼NW¼ and S½NW¼.

This pipeline will convey natural gas across .401 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.75-17394 Filed 7-2-75;8:45 am]

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

## APPLICANT

Field Museum of Natural History, Department of Zoology, Division of Mammals, Roosevelt Road and Lake Shore Drive, Chicago, Illinois 60605.

John J. Pizzimenti, Assistant Curator, Division of Mammals.

JUNE 4, 1975.

U.S. DEPARTMENT OF INTERIOR,  
FISH AND WILDLIFE SERVICE,  
DIVISION OF LAW ENFORCEMENT,  
Washington, D.C. 20210,  
Attention: Mr. Gene Hester.

DEAR MR. HESTER: I am writing to you regarding our application for a permit (PRT-8-147-I) to import two cheetah (*Acinonyx jubatus*) specimens (skin and skeleton) from Egypt. You indicated to me during our telephone conversation on March 20 that we had not provided sufficient detail concerning the scientific value and usage of the specimens. I hope to do so now.

Dr. Hoogstraal, Head of the U.S. Naval Medical Research Unit No. 3 based in Cairo, who heard of the finding of the two specimens in the desert and saved them for their scientific value (see original application), has been studying parasites, diseases, and epizootics of Egyptian and African mammals (and birds) for the U.S. Navy for twenty-five years. I've included a small portion of references to his scientific publications on this subject. It is standard procedure to save the specimens of host organisms from which parasites are collected for the purpose of documenting information about the host species taxonomy, locality of collection, conditions etc. This enables subsequent workers to refer directly to a specimen for verification of information, taxonomy etc. and enables any errors in the original identification or changes in taxonomy to be corrected. All the specimens (actually all voucher specimens) collected in this medical project have been deposited over the past twenty-five years in the U.S. National Museum and in Field Museum for identification and subsequent study and reference. Dr. Hoogstraal did not collect these specimens himself but took advantage of an opportunity to gather scientific data from specimens found dead and saved their remains for further scientific study. Subsequent to our application, he has learned of one additional cheetah that has been killed; he is also attempting to save this specimen for its scientific value. If he is successful in this attempt, we would request permission to include the third specimen in our importation permit.

I hope this information sufficiently explains the medical and scientific value and usage of the specimens we wish to import and preserve. Here at the Field Museum we are well aware of the necessity of the preservation of wildlife—alive and in the wild—and we will do all that is possible to promote such ends. At the same time, we feel that it is important to document information on wildlife by saving, whenever possible, the remains of dead animals since these can no longer contribute to the living population.


I am confident you will evaluate all the facts judiciously and arrive at a reasonable decision concerning our request.

Sincerely,

JOHN J. PIZZIMENTI,  
Assistant Curator,  
Division of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>													
<p>3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Division of Mammals Dept. of Zoology Field Museum of Natural History Roosevelt Rd. @ Lake Shr. Dr. Chicago, Ill. 60605 922-9410</p>		<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Importation of two specimens of <i>Acinonyx jubatus</i> (Cheetah); 1 juvenile and 1 adult female. These specimens have been donated to the Field Museum by Dr. H. Hoogstraal who obtained them in Egypt. See attached letter of original application for further details. For Scientific Research.</p>													
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</p>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>Field Museum of Natural History is a private institution engaged in research and public education.</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (1, 2)</p> <p>E. Leland Webber, 922-9410 (211)</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Specimens were killed by bedouins and purchased by Dr. Hoogstraal near Cairo, Egypt. Activity will be merely to import the specimens. They will be used for scientific research purposes only.</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdictions and type of documents)</p> <p>not required</p>													
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p>		<p>10. DESIRED EFFECTIVE DATE</p> <p>Immediately</p>													
<p>11. DURATION NEEDED</p>		<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>													
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER D OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (In ink) <i>John J. Pizzimenti</i> DATE <i>Dec. 2, 1974</i></p> <p>John J. Pizzimenti</p>															



triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 4, 1975 will be considered.

Dated: June 26, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-17298 Filed 7-2-75; 8:45 am]



# ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

### APPLICANT

San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112.  
Clyde A. Hill, Curator of Mammals.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>OMB NO. 42-R1670</p> <p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>													
<p>2. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>San Diego Zoological Garden P. O. Box 551 San Diego, California 92112 Phone: 714-234-5151</p>		<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Import one (1) male Siberian tiger (<i>Leo tigris altaica</i>), endangered species, for breeding in captivity</p>													
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>Public zoo - conservation and research programs in addition to recreation and educational activities.</p>	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
<p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</p>		<p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>Clyde A. Hill, Curator of Mammals 714-234-5151</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>													
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Import from Moscow to San Diego</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers)</p> <p>Marine Mammal #39, ES409, ES136, 1962-10 (Under 1944 law issued 62) Scientific coll. 1-SC-169K.C.</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdictions and type of documents)</p> <p>Not required</p>													
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p>\$</p>		<p>10. DESIRED EFFECTIVE DATE</p> <p>ASAP</p>													
<p>11. DURATION NEEDED</p> <p>Until terminated</p>		<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (50 CFR 17.12(h)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>													
<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p>															
<p>SIGNATURE (In ink)</p> <p>Clyde A. Hill </p>		<p>DATE</p> <p>20 May 1975</p>													

MAY 20, 1975.

DIRECTOR (FWS/LE),  
U.S. Fish and Wildlife Service,  
U.S. Department of the Interior,  
P.O. Box 19183,  
Washington, D.C. 20036.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to import one (1) male Siberian tiger *Leo tigris altaica* from Zoobjedinenije, U.S.S.R.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

One (1) male Siberian tiger "Baikal" born in the Moscow Zoo on 22 May 1974, international studbook number 917. Sire is "Bar-

khat" (studbook number 332) and dam is "Beriazka" (studbook number 333). Both parents were born in the wild, 1966, and captured 2 January 1968 on the Perevyazka River District, Maritime Province, Soviet Fzv. Specimen is *Leo tigris altaica* (listed as *Panthera tigris* on the USDI endangered wildlife list).

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached is a photocopy of a letter from Mr. Jack J. van den Brink owner of Jabria

B. V. in Harderwijk, Holland, which is an agreement to sell one (1) male Siberian tiger to the San Diego Zoological Garden. Mr. van den Brink's letter states the country of origin, the birthplace of the animal, name and address of the seller, date of the contract, weight and date of weighing, and a description of the tiger. Also attached is a letter dated 24 February 1975 from Zoobjedinenije, the Federal Trade Organization handling the export for zoos as well as the trapping of wild animals on the territory of the Soviet Union concerning the animal. Also enclosed is a photocopy of a letter (and the English translation) from S. M. Kou-driavtseff, Zoologist of Methodical Section, The Headquarters of Culture of the Executive Committee of Moscow Council, Moscow Zoopark of the Order of the Red Banner, dated 14 March 1975 regarding the authenticity of this transaction. Furthermore, enclosed is a letter dated 31 March 1975 from Thomas Niles, Director U.S. Commercial Office, U.S. Embassy, Moscow, verifying the Zoobjedinenije's relationship with Jack van den Brink and the tiger in question.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

In 1969 the San Diego Zoo received three Siberian tigers, a male and two females, all born in the Leipzig Zoo. Our main objective was to obtain registered, pure stock for reproduction and conservation as well as display. At that time many North American zoos had hybrid, unregistered tigers. By obtaining these purebred animals we hoped to keep a good line going at San Diego as well as providing other zoos with our surplus thus helping to upgrade the Nation's tiger stock.

Twenty Siberian tigers were born in the San Diego Zoo from that imported trio. Of these, eight were shipped to other zoos throughout North America, four are currently maintained in the San Diego Zoo (as well as the original trio) but eight have died. Although this appears to be a successful conservation effort we now have cause to question our success. One of the first clues indicating that something was wrong was the development of eye cataracts in an imported female. As time passed we discovered her litters consisted of cubs having a high mortality factor. Seven of her nine cubs have died so far. They survived from 13 days to 14 months. One of her dead male cubs also had cataracts. The cataract trait coupled with the type of organ system degeneration leading to death were good causes to suspect a deleterious genetic trait.

We were optimistic that the female with the cataracts was chiefly responsible for her progeny's low mortality since the other female had, until recently, eleven out of eleven cubs survive. On 24 April 1975 one of the "good" female's cubs died and the necropsy indicated the etiology was similar to that in the seven deaths from the "bad" female. It appears there is sufficient evidence to suspect serious inbreeding problems issuing from the original trio born in the Leipzig Zoo. Since Siberian tigers breed well in captivity there has been little interest to increase the gene pool. Now we have manifest need to introduce a new bloodline. It is essential that the new bloodline be as unrelated as possible from the original Leipzig Zoo line.

Several experts were consulted, including Dr. Carl Cohen, the Director of the Center for Genetics at the University of Illinois Medical Center who is presently charting out all the Siberian tigers in the United States



and Canada in order to determine which animals should be sexually isolated from the future breeding population. Dr. Cohen now believes that the cataract trait is not common in the wild and that original captive stock were captured from a narrow population. He believes inbreeding has resulted in this deleterious trait of cataracts (and possible early organ system degeneration). Dr. Cohen's observations agree with those of Marvin Jones, an international zoo expert on zoological records. His monograph on Siberian tigers in North America is attached. Dr. Cohen's and Jones' data indicate not only that a new bloodline is needed but that North American Siberian tiger stocks cannot provide an unrelated animal.

According to the records of Marvin Jones all Siberian tigers in the U.S. stem from the following historical groups: a wild caught pair in the Philadelphia Zoo (having few descendants), a wild caught pair in the Birmingham Zoo and a wild caught pair in the St. Paul's Como Zoo, Minnesota. European lines have descendants in the U.S. too. They are a wild caught pair in the Rotterdam Zoo, a wild caught pair in the Leipzig Zoo plus a new wild caught male obtained in 1970; a wild caught pair in the Prague Zoological Gardens in Czechoslovakia and a male and three wild caught females at Hagenbeck's Tierpark in Hamburg. Most of the above were captured from the same general area. Furthermore, some of the wild caught animals were probably litter mates because they arrived at the above institutions at the same time and were the same size. Thus there is a total of eight males and nine females, not a very large gene pool to draw upon. Jones points out that most of the U.S. stock is descended from Birmingham and Rotterdam-Leipzig animals or three males and three females. Obviously, there is a great need for another unrelated male in the United States.

We have the opportunity to obtain a zoo-born young male, from wild caught parents. There is every indication that this animal is totally unrelated to any of the Leipzig animals. It is extremely important that a new gene pool be established and hopefully dilute this highly suspected deleterious trait. If not, mortalities are expected with maturation of surviving cubs and subsequent generations would have even higher mortalities and undesirable traits.

According to the latest edition of the IUCN Red Data Book there may be as few as 130-180 Siberian tigers remaining in the wild. As of 1 January 1975, there were 209 purebred Siberian tigers alive and registered in the international studbook in the Leipzig Zoo. Thus there are more Siberian tigers in captivity than are known in the wild. It is imperative that the captive stock have as rich a gene pool as possible and deleterious traits not be so inbred as to doom the captive stock to eventual extinction.

Because we know the ancestry of this Siberian tiger, it will be a valuable museum specimen upon its death either as a scientific study specimen or an exhibit specimen. Since museums must also obtain endangered species permits for collecting, zoo animals are more highly sought after by museums than ever before. The San Diego Zoo has always worked closely with various well known museums to provide them with specimens. Our mammal inventories are periodically sent to the American, Smithsonian, Denver and Los Angeles County natural history museums. Order lists from these museums (and others) are sent to us, allowing a minimum of delay passing on the specimens.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

This animal will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-234-5151.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

As documented in Dr. Koudriavtseff's and Dr. Chargeishvili's letters, this animal is captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

This animal is zoo born, thus will not be a drain on the natural population of wild Siberian tigers.

7. (i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed. A self-explanatory drawing is enclosed; this facility has proven to be successful in displaying and breeding the species. Also enclosed is a black and white photograph, front view, of the exhibit area.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

See enclosed personnel resumes.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

We are now participating in the Siberian Tiger Studbook. Our offspring are registered. We are in fact actively participating in an international effort to breed this tiger.

(iv) A detailed description of the type, size and construction of the container: Arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

As Mr. van den Brink stated in his letter, tentative arrangements have been made to ship the tiger by Lufthansa direct from Amsterdam to Los Angeles. An alternate flight, via Lufthansa, is from Frankfurt to Los Angeles. The tiger is now in Holland. At Los Angeles the tiger will be met by our customs house broker, James G. Wiley Company, 5315 West 102nd Street, P.O. Box 90008, Airport Station, Los Angeles, CA 90009. This company is well experienced with animal needs and has been our broker for many years. We will also meet the tiger at Los Angeles and transport it to the San Diego Zoo. Although Mr. van den Brink did not go into detail concerning the exact construction on the shipping container, there should be little worry since Mr. van den Brink is a well-known and experienced animal dealer familiar with animal shipping requirements. He must comply with the International Air Transport Association (IATA) Live Animals Regulations.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,  
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 4, 1975 will be considered.

Dated: June 26, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-17299 Filed 7-2-75;8:45 am]

## MARINE MAMMAL PERMIT

### Denial of Permit

Notice is hereby given that the following application for a permit has been denied under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407):

#### APPLICANT

Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209.  
Mr. Robert O. Wagner, Director.

There was published in the FEDERAL REGISTER of April 9, 1975 (40 FR 16104-05), a notice of receipt of application to import from West Germany one male and one female Polar Bear (*Thalarctos maritimus groenlandicus*), for public display and propagation at the Jackson Zoological Park.

Documentation from the Ministry of Greenland states that the two polar bears were cubs when legally captured on May 23, 1973. The Marine Mammal Protection Act of 1972 in section 102(b) prohibits the importation of animals which were nursing or less than eight months old at the time of taking. Since the application indicates that the bears were less than eight months old when taken, their importation is prohibited by the Act and a permit may not be granted. Accordingly, the application for a permit was denied.

Dated: June 27, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-17300 Filed 7-2-75;8:45 am]

## MARINE MAMMAL PERMIT

### Issuance of Permit

On April 7, 1975, a notice was published in the FEDERAL REGISTER (40 FR 15410-11), that an application had been filed with the Fish and Wildlife Service by Thomas R. Loughlin, M.A., Doctoral graduate student, Department of Biology, University of California, Los Angeles, California, for a permit to engage in sea otter research.



Notice is hereby given that on June 23, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to the University of California, Department of Biology, Los Angeles, California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: June 27, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service

[FR Doc.75-17301 Filed 7-2-75;8:45 am]

#### Geological Survey

#### MT. ST. HELENS, WASH.

#### Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Mt. St. Helens known geothermal resources area, effective February 1, 1974:

#### (47) WASHINGTON

MT. ST. HELENS KNOWN GEOTHERMAL RESOURCES AREA, WILLAMETTE MERIDIAN, WASHINGTON

T. 8 N., R. 4 E.,  
Secs. 12, 15, 20

T. 9 N., R. 4 E.  
Secs. 24, 25, 36

T. 7 N., R. 5 E.  
Sec. 3

T. 8 N., R. 5 E.  
Secs. 21, 24, 28

T. 9 N., R. 5 E.  
Secs. 14, 19, 20, 23 through 25, 30, 36

T. 8 N., R. 6 E.  
Sec. 6

The area described aggregates 12,133 acres, more or less.

Dated: April 9, 1975.

HILLARY A. ODEN,  
Acting Conservation Manager,  
Western Region.

[FR Doc.75-17369 Filed 7-2-75;8:45 am]

#### National Park Service

[Order 88]

#### CHIEFS, INTERAGENCY ARCHEOLOGICAL SERVICES—DENVER, SAN FRANCISCO, AND ATLANTA BRANCHES

#### Delegation of Authority

Section 1. Delegation. The Chiefs, Interagency Archeological Services, Denver, San Francisco, and Atlanta Branches are authorized to:

(1) Execute, approve, and administer contracts not to exceed \$100,000 for construction, equipment, supplies, and services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriated funds.

Section 2. Redlegation. The authority delegated in this Order No. 88 may be re-delegated to the Administrative Officers not to exceed \$50,000.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 25, 1975.

GARY EVERHARDT,  
Director, National Park Service.

[FR Doc.75-17304 Filed 7-2-75;8:45 am]

[Order 77, Amdt. 4]

#### REGIONAL DIRECTORS

#### Delegation of Authority

Order No. 77, approved February 27, 1973, and published in the FEDERAL REGISTER of March 23, 1973 (38 FR 7478); Amendment No. 1, approved June 18, 1973, and published in the FEDERAL REGISTER of June 26, 1973 (38 FR 16789); Amendment No. 2, approved January 29, 1974, and published in the FEDERAL REGISTER of February 5, 1974 (39 FR 4597), and Amendment No. 3, approved October 21, 1974, and published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38118), set forth in section 1 the exceptions on delegations of authority. Section 1 is hereby amended by adding paragraph (19) as follows:

#### Section 1. Delegation \* \* \*

(19) Authority for external archeological programs pursuant to the Archeological and Historic Preservation Act of May 24, 1974 (Pub. L. 93-291; 88 Stat. 174).

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 25, 1975.

GARY EVERHARDT,  
Director, National Park Service.

[FR Doc.75-17305 Filed 7-2-75;8:45 am]

#### DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service  
FLEMING KEY ANIMAL IMPORT CENTER,  
KEY WEST, FLA.

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a draft environmental statement for the proposed Fleming Key Animal Import Center, Key West, Florida, USDA-APHIS-ADM-75-2-D.

The draft environmental statement concerns the construction of a proposed Animal Import Center on a site at Key West, Florida. This proposed center is to provide an additional animal import facility on the east coast.

This draft environmental statement was transmitted to the Council on Environmental Quality on June 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Monroe County Public Library, 700 Fleming Street, Key West, Florida 33040.

USDA, APHIS, Veterinary Services, 5255 N.W. 87th Avenue, Suite 110, Koger Executive Center, Miami Springs, Florida 33166.

A limited number of single copies are available upon request to Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the draft environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. O. V. Cummings, Jr., Director, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 5148S, 14th & Independence Avenue, SW, Washington, D.C. 20250. Comments must be received by September 2, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 27, 1975.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[FR Doc.75-17345 Filed 7-2-75;8:45 am]

#### Forest Service

#### MIDDLE FORK BOISE RIVER PLANNING UNIT

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Middle Fork Boise River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-25.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Middle Fork Boise River Planning Unit on the Boise National Forest, Idaho. The purpose of



the plan is to allocate 329,100 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on June 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.  
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.  
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.  
District Forest Ranger, Boise Ranger District, 7803 Warm Springs Ave., Boise, Idaho 83707.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by August 24, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 25, 1975.

P. M. REES,  
*Director, Regional Planning  
and Budget.*

[FR Doc.75-17334 Filed 7-2-75; 8:45 am]

#### **BITTERROOT SOUTH PLANNING UNIT LAND USE PLAN**

##### **Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan—Bitterroot South Planning Unit, Forest Service Report Number USDA-FS-DES (adm) R1-75-12.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Bitterroot South Planning Unit, Darby Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 71,830 acres of National Forest land are affected. The planning unit is divided into 13 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to C.E.Q. on June 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, DC 20250.  
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.  
USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.  
USDA, Forest Service, Darby Ranger Station, Darby, MT 59829.

A limited number of single copies are available upon request to:

Robert S. Morgan, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.  
Darby District Ranger, U.S. Forest Service, Darby, MT 59829.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the C.E.Q. guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert S. Morgan, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840. Comments must be received by August 25, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 25, 1975.

WARREN G. DAVIES,  
*Acting Regional Forester,  
Northern Region, Forest Service.*

[FR Doc.75-17387 Filed 7-2-75; 8:45 am]

#### **LASSEN NATIONAL FOREST, TIMBER MANAGEMENT**

##### **Notice of Availability of Final Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Man-

agement Plan, Lassen National Forest, California, USDA-FS-R5-FES (Adm)-75-3.

The environmental statement concerns a timber management plan for the management of the timber resources on the forest and proposes a Potential Yield of 1,792.0 million board feet of timber from the Standard, Special, and Marginal Components for a 10-year period beginning July 1, 1974, under a sustained yield program based on a 160-year rotation. The proposed action will be carried out within Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama Counties in northeastern California.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on June 27, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.  
USDA, Forest Service, 630 Sansome Street, Room 529, San Francisco, California 94111.  
Lassen National Forest, 707 Nevada Street, Susanville, California 96130.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

T. W. KOSKELLA,  
*Deputy Regional Forester.*

JUNE 27, 1975.

[FR Doc.75-17365 Filed 7-2-75; 8:45 am]

#### **Soil Conservation Service RED DEER CREEK WATERSHED PROJECT, TEX.**

##### **Availability of Final Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Red Deer Creek Watershed Project, Gray, Roberts, and Hemphill Counties, Texas, USDA-SCS-EIS-WS-(ADM)-74-16-(F).

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 20 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:



Soil Conservation Service, USDA, P.O. Box 648, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 26, 1975.

JOSEPH W. HAAS,  
*Acting Deputy Administrator for  
Water Resources, Soil Con-  
serva-tion Service.*

[FR Doc.75-17366 Filed 7-2-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Health Services Administration

#### POLL OF PHYSICIANS IN PSRO AREA VI OF THE STATE OF CALIFORNIA

##### Notice to Physicians

On May 7, 1975, the Secretary of Health, Education and Welfare published in the *FEDERAL REGISTER* a notice in which he announced his intention to enter into an agreement with Professional Standards Review Organization of San Mateo County, Inc. designating it as the Professional Standards Review Organization for PSRO Area VI which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of the *San Mateo Times* and the *San Mateo News Leader* on May 7, 8, and 9, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objects to the Secretary entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc. on the grounds that such organization is not representative of doctors in PSRO Area VI, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York 10022, on or before June 6, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI have expressed timely objection to entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc.

Therefore, on July 2, the Secretary will, in accordance with 42 CFR 101.106, begin to conduct a poll of all doctors of medicine or osteopathy who are engaged in active practice in PSRO Area VI to

determine whether the Professional Standards Review Organization of San Mateo County, Inc. is representative of such doctors in the area.

Each such doctor will receive a ballot on which he shall indicate whether in his opinion the Professional Standards Review Organization of San Mateo County, Inc. is or is not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area VI. Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who has not received a ballot by July 8, 1975, may request in writing a ballot by July 14, 1975 from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. Only those ballots postmarked no later than August 1, 1975 and returned in the stamped self-addressed envelope provided to each individual doctor will be considered valid.

Dated: June 26, 1975.

ROBERT VAN HOEK,  
*Acting Administrator,  
Health Services Administration.*

[FR Doc.75-17386 Filed 7-2-75;8:45 am]

### Office of Education

#### NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

##### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on July 22, 1975 from 9 a.m. to 4 p.m. and the meeting of the Legislative Subcommittee will be held on July 25, 1975 from 9 a.m. to 4 p.m., at 400 Maryland Avenue, SW, Room 3000, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380 (88 Stat. 552, 553). The Council is directed to: Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth

in subsections (a) and (b) of section 406.

The meeting of the Council and the Legislative Subcommittee shall be open to the public. The proposed agenda of the Council's meeting on July 22, 1975 includes:

Discussion on "An Introduction to Career Education" an Office of Education Policy

Council Members Views and Opinions on Career Education

On July 25, 1975, the Legislative Subcommittee will consider pending legislation which directly or indirectly deals with career education.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education located in Room 3100, 7th and D Streets, SW, Washington, D.C. 20202).

JOHN LINDIA,  
*Deputy Director  
for Career Education.*

[FR Doc.75-17360 Filed 7-2-75;8:45 am]

### Office of the Secretary

#### REVIEW PANEL ON NEW DRUG REGULATION

##### Meeting Cancellation

Notice is hereby given pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will not meet on Thursday, July 10, 1975, at 9:15 a.m. nor on Friday, July 11, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW, Washington, D.C. as announced in the *FEDERAL REGISTER* of Thursday, June 26, 1975. The Review Panel determined that it is not necessary to hold a meeting at this time.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone (202) 245-7510.

Dated: June 26, 1975.

LIONEL M. BERNSTEIN,  
*Executive Secretary, Review Panel  
on New Drug Regulation.*

[FR Doc.75-17343 Filed 7-2-75;8:45 am]

### HEALTH CARE RATES

#### Notice to Governors

Announcement of Implementation of section 1526(a) of the Public Health Service Act, as amended.

Pursuant to the requirements of section 1526(a) of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974, Pub. L. 93-641, notice is hereby given that the Governors of the 50 States and the Commonwealth of Puerto Rico, and the Mayor of the Dis-



trict of Columbia have been notified by letter of the necessity for them to indicate by July 4, 1975, intent to regulate health care rates if they wish to apply for funding under sections 1526(b)-(e) of the Act.

A copy of the notification letter and a list of addresses are shown in the Appendix. Further guidelines to be provided the Governors are available from the Social Security Administration.

Dated: June 30, 1975.

CASPAR W. WEINBERGER,  
*Secretary.*

#### APPENDIX

JUNE 9, 1975.

DEAR GOVERNOR: The purpose of this letter is to inform you of the approach the Department of Health, Education, and Welfare is taking to implement section 1526 of the Public Health Service Act, 42 U.S.C. 300m-5, as amended by the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), and to invite you to express any interest your State may have to regulate rates for the provision of health care within the State. Section 1526 provides the Department with the authority to support State Health Planning and Development Agencies for the purpose of demonstrating the effectiveness of health care rate regulation. Congress intended that these State agencies be given financial assistance to determine the effectiveness of rate regulation and that such agencies demonstrate to the Secretary the cost control effectiveness of the regulatory mechanism they establish. The Department is authorized to make up to six grants to State agencies under this authority as described in the law.

The Congress and the Department have, over the last few years, moved to encourage at the State and sub-State levels regulatory mechanisms that would contain health care costs. In addition to P.L. 93-641, the Department currently supports health care rate regulation projects under section 222(a) of the Social Security Amendments of 1972 and section 402(a)(1)(C) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of those amendments. At present there are 11 such experiments, evaluations, or developmental projects in 10 States. They are administered under the auspices of the Office of Research and Statistics (ORS) of the Social Security Administration (SSA). Because the intent of section 1526 closely parallels that of section 222(a) and 402(a)(1)(C), as amended, and in order to take advantage of the existing expertise in SSA, the Department intends to implement section 1526 in conjunction with the existing activities of the Social Security Administration.

The current research strategy within the Department is to obtain as broad an experience as possible with a variety of regulating mechanisms such as negotiated budgets, line-by-line review, budget review by exception, and formula rate-setting systems. Since the Department, through the section 222 authority, is already providing assistance to, and conducting evaluations of, negotiated budget and line-by-line budgeting systems, we feel a particular need to undertake prospective budget review by exception and formula demonstrations at this time. This will permit us to judge the effectiveness of a wide variety of regulating mechanisms.

As noted above, the intent of the Social Security Administration is to implement section 222 of the 1972 Amendments and section 1526 of the Public Health Service Act in a

consistent manner. To this end, it will within the next few months be soliciting proposals through a Request for Proposal (RFP) under the authority of section 222 to implement rate-setting systems for hospitals. State agencies, or their designees with authority to regulate rates or conduct feasibility or developmental studies in the area of rate regulation, will be among those eligible for financial support through this Request for Proposal. Where no such legislative study or operational authority exists, the RFP will also permit nongovernmental organizations to propose projects where the participation of a significant number of hospitals to be reimbursed at the prospectively established rates is guaranteed through contractual agreements for the duration of the experiment. At the same time, grant regulations will be prepared setting forth detailed criteria for eligibility for grant assistance under section 1526 of the Public Health Service Act. A State which has indicated its intent to regulate health care rates, as set forth below, may be eligible to receive financial support under section 1526, or under both section 1526 and section 222 of the 1972 Amendments of section 402(a)(1)(C) of the 1967 Amendments (as amended by section 222), as appropriate.

Eligibility for funding under Section 1526 of Public Law 93-641 is restricted to States which indicate not later than July 4, 1975, an intent to regulate health care rates. Therefore, we are requesting that you notify the Commissioner of Social Security by that date, if you intend to regulate rates, when you plan to do so, the disposition of any bills or State laws granting such power to a State agency or its designee, and the status of any other such activity within your State. Please send six copies of your response to:

James B. Cardwell, Commissioner, Social Security Administration, Attention: Division of Health Insurance Studies Program Experimentation Branch, ORS, Room 900, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Achieving some control over the rate of increase in health care costs is a high priority of the Department. I feel strongly that if we are to learn how to most effectively attain this goal, we will have to learn from each other, particularly from the experience of various State regulatory programs.

Sincerely,

*Secretary.*

Honorable George C. Wallace, Governor of Alabama, Montgomery, Alabama 36104.  
Honorable Jay S. Hammond, Governor of Alaska, Juneau, Alaska 99801.  
Honorable Raul H. Castro, Governor of Arizona, Phoenix, Arizona 85007.  
Honorable David H. Pryor, Governor of Arkansas, Little Rock, Arkansas 72201.  
Honorable Edmund G. Brown, Jr., Governor of California, Sacramento, California 95814.  
Honorable Richard D. Lamm, Governor of Colorado, Denver, Colorado 80203.  
Honorable Ella T. Grasso, Governor of Connecticut, Hartford, Connecticut 06115.  
Honorable Sherman W. Tribbitt, Governor of Delaware, Dover, Delaware 19901.  
Honorable Reubin Askew, Governor of Florida, Tallahassee, Florida 32304.  
Honorable George D. Busbee, Governor of Georgia, Atlanta, Georgia 30334.  
Honorable George R. Ariyoshi, Governor of Hawaii, Honolulu, Hawaii 96813.  
Honorable Cecil D. Andrus, Governor of Idaho, Boise, Idaho 83720.  
Honorable Daniel Walker, Governor of Illinois, Springfield, Illinois 62706.  
Honorable Otis R. Bowen, Governor of Indiana, Indianapolis, Indiana 46204.

Honorable Robert D. Ray, Governor of Iowa, Des Moines, Iowa 50319.  
Honorable Robert F. Ben, Governor of Kansas, Topeka, Kansas 66612.  
Honorable Julian W. Carroll, Governor of Kentucky, Frankfort, Kentucky 40601.  
Honorable Edwin W. Edwards, Governor of Louisiana, Baton Rouge, Louisiana 70804.  
Honorable James B. Longley, Governor of Maine, Augusta, Maine 04330.  
Honorable Marvin Mandel, Governor of Maryland, Annapolis, Maryland 21404.  
Honorable Michael S. Dukakis, Governor of Massachusetts, Boston, Massachusetts 02133.  
Honorable William G. Milliken, Governor of Michigan, Lansing, Michigan 48903.  
Honorable Wendell R. Anderson, Governor of Minnesota, St. Paul, Minnesota 55155.  
Honorable William L. Waller, Governor of Mississippi, Jackson, Mississippi 39205.  
Honorable Christopher S. Bond, Governor of Missouri, Jefferson, Missouri 65101.  
Honorable Thomas L. Judge, Governor of Montana, Helena, Montana 59601.  
Honorable J. James Exon, Governor of Nebraska, Lincoln, Nebraska 68509.  
Honorable Mike O'Callaghan, Governor of Nevada, Carson City, Nevada 89701.  
Honorable Meldrim Thomson, Jr., Governor of New Hampshire, Concord, New Hampshire 03301.  
Honorable Brendan T. Byrne, Governor of New Jersey, Trenton, New Jersey 08625.  
Honorable Jerry Apodaca, Governor of New Mexico, Santa Fe, New Mexico 87501.  
Honorable Hugh L. Carey, Governor of New York, Albany, New York 12224.  
Honorable James E. Holshouser, Jr., Governor of North Carolina, Raleigh, North Carolina 27602.  
Honorable Arthur A. Link, Governor of North Dakota, Bismarck, North Dakota 58501.  
Honorable James A. Rhodes, Governor of Ohio, Columbus, Ohio 43215.  
Honorable David L. Boren, Governor of Oklahoma, Oklahoma City, Oklahoma 73105.  
Honorable Robert W. Straub, Governor of Oregon, Salem, Oregon 97310.  
Honorable Milton J. Shapp, Governor of Pennsylvania, Harrisburg, Pennsylvania 17120.  
Honorable Philip W. Noel, Governor of Rhode Island, Providence, Rhode Island 02903.  
Honorable James B. Edwards, Governor of South Carolina, Columbia, South Carolina 29211.  
Honorable Richard F. Kneip, Governor of South Dakota, Pierre, South Dakota 57501.  
Honorable Ray Blanton, Governor of Tennessee, Nashville, Tennessee 37219.  
Honorable Dolph Briscoe, Governor of Texas, Austin, Texas 78711.  
Honorable Calvin L. Rampton, Governor of Utah, Salt Lake City, Utah 84114.  
Honorable Thomas P. Salmon, Governor of Vermont, Montpelier, Vermont 05602.  
Honorable Mills E. Godwin, Jr., Governor of Virginia, Richmond, Virginia 23219.  
Honorable Daniel J. Evans, Governor of Washington, Olympia, Washington 98501.  
Honorable Arch A. Moore, Jr., Governor of West Virginia, Charleston, West Virginia 25305.  
Honorable Patrick J. Lucey, Governor of Wisconsin, Madison, Wisconsin 53702.  
Honorable Ed Herschler, Governor of Wyoming, Cheyenne, Wyoming 82001.  
Honorable Rafael Hernandez Colon, Governor of Puerto Rico, San Juan, Puerto Rico 00901.  
Honorable Walter E. Washington, Mayor-Commissioner of District of Columbia, Washington, D.C. 20001.

[FR Doc.75-17408 Filed 7-2-75;8:45 am]



# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-75-342]

## ASSOCIATE GENERAL COUNSEL FOR EQUAL OPPORTUNITY AND ADMINISTRATION

### Delegation of Authority

Pursuant to section B of the delegation of authority to the General Counsel at 36 FR 11052, June 8, 1971 and 24 CFR 17.47(b), there is hereby delegated to the Associate General Counsel for Equal Opportunity and Administration the power and authority to:

1. Consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of claims which meet the following criteria:

A. The claim is filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671-2680, or the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241-3;

B. Authority to consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of the claim has not been redelegated to Regional Counsel pursuant to the redelegation of authority at 37 FR 25251 (November 29, 1972) as amended by 38 FR 21811 (June 13, 1973), 40 FR 16869 (April 15, 1975) and further amended by redelegation of authority to Regional Counsel published concurrently with this delegation.

C. In the case of a claim filed pursuant to the Federal Tort Claims Act, the amount thereof does not exceed \$10,000.

2. Grant prior concurrence in the allowance by a Regional Counsel pursuant to the redelegation of authority to Regional Counsel previously referred to, of any claim, in an amount in excess of \$2,500 but not in excess of \$10,000, under the Federal Tort Claims Act.

This delegation supersedes the delegation of authority to the Associate General Counsel for Equal Opportunity, Litigation and Administration effective April 15, 1975 at 40 FR 16869.

*Effective date.* This delegation of authority is effective July 3, 1975.

ROBERT R. ELLIOTT,  
General Counsel.

[FR Doc.75-17353 Filed 7-2-75; 8:45 am]

[Docket No. D-75-343]

### REGIONAL COUNSELS

#### Redelegation of Authority

Pursuant to section B of the delegation of authority to the General Counsel at 36 FR 11052, June 8, 1971 and 24 CFR 17.7, there is hereby redelegated to each Regional Counsel the power and authority to consider, ascertain, adjust, determine, compromise, allow, deny, and otherwise dispose of claims which result from incidents occurring within the HUD region for which the Regional Counsel has jurisdiction and which meet the following criteria:

1. All claims filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671-2680, provided that:

a. Any allowance of a claim in excess of \$2,500 is subject to the prior concurrence of the Associate General Counsel for Equal Opportunity and Administration.

b. Any allowance of a claim in excess of \$10,000 is subject to the prior concurrence of the General Counsel.

2. Claims filed pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241-3, provided that the amount claimed, in each case, does not exceed \$500.

This redelegation supersedes the redelegation of authority to Regional Counsels effective April 15, 1975 at 40 F.R. 16869.

*Effective date.* This redelegation of authority is effective July 3, 1975.

ROBERT R. ELLIOTT,  
General Counsel.

[FR Doc.75-17354 Filed 7-2-75; 8:45 am]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration FLIGHT SERVICE STATION AT PORTLAND, OREGON

### Relocation

Notice is hereby given that on or about July 8, 1975, the flight service station at Portland International Airport, Portland, Oregon, will be relocated to the Portland-Hillsboro Airport at Hillsboro, Oregon. This information will be reflected in the FAA organization statement the next time it is reissued.

Issued in Seattle, Washington, on June 24, 1975.

C. B. WALK, Jr.,  
Director.

[FR Doc.75-17319 Filed 7-2-75; 8:45 am]

## Hazardous Materials Regulations Board

### SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, Rulemaking procedure of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during June 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 7007.....	Jones Chemicals, Inc., Caledonia, N. Y., to ship chlorine in DOT Specification 110A500W tank cars.	Cargo vessel. Motor vehicle.
SP 7011.....	Dow Chemical Co., Midland, Michigan, to ship caustic soda beads in non-DOT Specification blow-molded polyethylene (PE) containers with removable PE head, not over 50 gallons capacity.	Cargo vessel. Motor vehicle. Rail freight.
SP 7014.....	Pernal International, Inc., New York, New York, to ship ethyl alcohol in non-DOT Specification stainless steel portable tank having a capacity of 5,443 gallons.	Cargo vessel. Motor vehicle. Rail freight.
SP 7017.....	Phillips Petroleum Company, Bartlesville, Oklahoma, to ship a certain Class B poisonous liquid in DOT Specification 109A300ALW tank cars.	Rail freight.
SP 7019.....	Chevron Chemical Company, San Francisco, California, to ship phosphorus pentasulfide in DOT Specification 56 metal portable tanks having a maximum gross weight of 7,700 pounds.	Motor vehicle.
SP 7022.....	Monsanto Company, St. Louis, Mo., to ship trichloro-s-triazinetriene in DOT Specification 56 aluminum portable tanks.	Motor vehicle.
SP 7024.....	Burlington Industries, Inc., Burlington, N.C., to ship indigo dye paste, an alkaline caustic liquid, in a non-DOT Specification collapsible rubber container identified as "Sealdtank".	Motor vehicle.

ALAN I. ROBERTS,  
Secretary.

[FR Doc.75-17350 Filed 7-2-75; 8:45 am]

## AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

### AMERICAN REVOLUTION BICENTENNIAL COUNCIL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Council will be held on July 25, 1975 in Los Angeles, California. Details on actual meeting place, time of meeting and specific agenda items will be announced as soon as available.

The meeting will be open to the public on a space available basis. Further information can be obtained from Jane Shay, Executive Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 "E" Street,

NW, Washington, D.C. 20276, telephone (202) 634-1841.

JOHN W. WARNER,  
Administrator, American Revolution Bicentennial Commission.

[FR Doc.75-17364 Filed 7-2-75; 8:45 am]

## BICENTENNIAL ETHNIC AND RACIAL ADVISORY COMMITTEE

### Establishment

Notice is hereby given of the establishment, after consultation with the Office of Management and Budget, of the Bicentennial Ethnic and Racial Advisory Committee.

The purpose of this committee is to provide advice to the Administrator and to the Board of the American Revolution Bicentennial Administration in respect to the encouragement of racial, ethnic



and native American participation in the Bicentennial pursuant to Pub. L. 93-179.

The establishment of this committee is in the public interest in connection with the duties of this Administration imposed by Pub. L. 93-179.

JOHN W. WARNER,  
Administrator.

JUNE 26, 1975.

[FR Doc.75-17346 Filed 7-2-75;8:45 am]

[Order 75-6-142; Docket 27916]

## CIVIL AERONAUTICS BOARD

### BEHRING INTERNATIONAL, INC.

#### Order Rejecting Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

By tariff revisions, issued June 2, 1975 for effectiveness July 2, 1975, Behring International, Inc. (Behring), a domestic and international airfreight forwarder, proposes to establish charges for item 4702 (Machinery) for minimum-sized shipments ranging from 1 to 80,000 lbs. and for item 4402 (Electrical Appliances) for minimum shipments of 20,000, 40,000 and 80,000 lbs. from Houston, Texas to Bahrain and Dubai in the Persian Gulf.<sup>1</sup>

In a complaint filed June 6, 1975, Seaboard World Airlines, Inc. (Seaboard) requests the rates be rejected on grounds that Behring failed to provide any economic justification as required by § 221.165 of the Board's economic regulations, and that Behring is not entitled to claim the proposed rates are required to meet competition since the subject rates are well below any existing scheduled service rates on file. The carrier also contends the rate filing is extremely ambiguous and confusing in that it fails to inform shippers using the proposed large-volume rates that the underlying movement would be on charter service which might not provide shippers the expected timely delivery and thus is in violation of § 221.50 of the Board's economic regulations and must be rejected for this reason.<sup>2</sup>

If the tariffs are not rejected, Seaboard contends the proposed rates are patently uneconomic and should be suspended. The carrier presents data purporting to demonstrate that the average price per pound paid by Behring for cargo shipped on charter through May 30, 1975, which does not include overhead, is with one exception above the rates Behring proposes to charge shippers; and further

contends the rates are discriminatory since Behring has sharply increased its small-shipment rates to cross-subsidize its large-shipment rates.

In a June 1, 1975 answer urging dismissal of Seaboard's complaint and submitting additional economic data as an amendment to its original filing, Behring contends its proposal does not violate the terms of the Federal Aviation Act and thus there is no legal basis for suspension. The forwarder maintains that it has merely identified and seeks to serve a market in the Middle East which recently has attracted an unprecedented number of shippers and believes it can and should offer its customers a rate reflecting the economy of scale inherent in large-size shipments. Behring contends the proposed rates are, in general, economic except in three instances at the higher weightbreaks; and that its proposed rates compare quite favorably with those of other carriers on a per-ton-mile basis. Behring further states its proposed rates are not based upon charter rates and have no connection with any scheduled or supplemental carrier. Finally it contends the tariff reflecting its proposal clearly and explicitly states the rates in full compliance with § 221.50 of the Board's regulations.

In a June 17, 1975 motion to file an unauthorized response, which will be granted, Seaboard maintains Behring's filing of economic justification as part of its answer to the initial complaint does not remove the initial deficiency and the filing must be rejected. However, Seaboard contends that were the justification timely filed, it fails to satisfy basic requirements by omitting details relating to estimated costs of service and forecast experience under the proposed rates, and that the little justification that has been submitted is demonstrably incorrect. Lastly, Seaboard contends that Behring has failed to justify the discriminatory aspects of its proposal.

A review of Behring's original and amended justification reveals certain deficiencies which make it difficult for the Board to properly assess the proposal's impact upon Behring's operations. Specifically, while providing a rough estimate of its costs of providing the proposed service, Behring gives no supporting details or adequate reference to its sources and, more importantly, provides no estimate of the aggregate effect of the proposed rates, supported by past traffic and revenue data, upon its traffic and revenues as required by § 221.165(b) of the Board's economic regulations.<sup>3</sup> Nor does Behring's justification fully comport with § 221.165(c) requiring certain data in tabular form which would enable the Board to properly evaluate the levels of the proposed rates. Behring's justification does not list the actual competitive rates upon which it relies for

comparison in its evaluation of the proposed rates; and, instead, merely refers to tariffs published by other carriers. Nor does Behring show the differences between the comparison rates and the proposed rates expressed as a percentage of the comparison rates. In view of the above, we shall reject Behring's filing without prejudice to a properly justified subsequent refiling.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 401, 403, 404, and 1002 thereof,

*It is ordered*, That: 1. Original Page 26-A, 2nd Revised Page 31-B and 11th Revised Page 32 of Behring International, Inc., C.A.B. No. 3 (Behring-South Ports Shipping, Inc. Series) be and hereby are rejected:

2. The motion of Seaboard World Airlines, Inc. for leave to file an otherwise unauthorized document is granted;

3. Except to the extent granted herein, the complaint filed by Seaboard World Airlines, Inc. in Docket 27916 is dismissed; and

4. Copies of this order shall be served upon Behring International, Inc. and Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL]

EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17398 Filed 7-2-75;8:45 am]

[Order 75-6-144; Docket 26317]

## EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

### Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

By ER-906, adopted April 25, 1975, the Board amended Part 288 of its Economic Regulations (14 CFR Part 288), providing for increased interim final minimum rates effective May 2, 1975, applicable to Logair and Quicktrans domestic cargo charter air transportation services performed for the Department of Defense (DOD), as procured by the Military Airlift Command (MAC). Consistent with procedures in such cases, ER-906 provided for petitions for reconsideration, subject to the conditions that such petition would not act to stay effectiveness of the amendment and responsive Board actions would be effective prospectively.

A petition requesting reconsideration was filed by Saturn Airways, Inc. (Saturn) and DOD submitted an answer objecting to Saturn's petition.<sup>1</sup> Saturn moved for leave to file an unauthorized document in reply to DOD's answer.

Saturn seeks a further increase in the L-100 Quicktrans rate, retroactively effective on May 2, 1975. In support of its

<sup>1</sup> Behring International, Inc., C.A.B. No. 3 (Behring-South Ports Shipping, Inc. Series) Original Page 26-A, 2nd Revised Page 31-B and 11th Revised Page 32.

<sup>2</sup> Seaboard alleges that Behring intends to move much of its expected large-volume traffic on weekly cargo charters to be flown by World Airways. World's exemption to perform charter service on behalf of Behring in the Houston-Bahrain/Dubai markets, granted by Order 75-4-3 (April 1, 1975) and extended by Order 75-5-107 (May 27, 1975), expired June 21, 1975.

<sup>3</sup> Since Behring's revenue from its forwarding operations, as reported in Form 244, exceeded \$5 million for the 1974 calendar year, it is subject to the requirements for tariff justification set forth in § 221.165 (b) and (c) of the Board's economic regulations.

<sup>1</sup> Petitions for reconsideration were due May 14, 1975, but permission was granted by the Chief Administrative Law Judge for Saturn's late filing on May 16, 1975.



request, the carrier indicates that revised reports for calendar year 1974 Logair and Quicktrans operating results were apparently received too late to be considered in the Board's interim final rate determinations embodied in ER-906.<sup>2</sup> Saturn contends that while the revisions for L-100 Logair and L-188 Logair and Quicktrans financial data were of little consequence, the difference in the revised L-100 Quicktrans costs was substantial. The carrier calculates that inclusion of the adjusted cost data would increase the L-100 Quicktrans rate by 10.44 cents per statute mile, or \$30,000 per month. Saturn requests that the L-100 Quicktrans rate be further increased to reflect the amended Form 243 reports and that such revision be made retroactively effective on May 2, 1975, the effective date of ER-906. The carrier contends that, notwithstanding the conditions set forth in ER-906 that actions on petitions for reconsideration will be prospective, the situation here is similar to that in ER-845 in which the Board made a retroactive rate adjustment to correct a factual error. Saturn further asserts that the instant situation is equally compelling from an equity standpoint and failure to correct the rate deficiency beginning May 2, 1975, will result in a windfall to DOD.

DOD, reiterating its reservations to the established Board procedure of basing interim final MAC rate determinations on Form 243 reports, adamantly objects, in any event, to any rate adjustment retroactive to May 2, 1975.<sup>3</sup> DOD points to the specific conditions of ER-906 precluding retroactive rate adjustments on petitions for reconsideration. It is DOD's view that this is consistent with the Board's policy enunciated in ER-879, adopted October 22, 1974, subsequent to the Board's position in ER-845, cited by Saturn in support of its request. The respondent further states that retroactivity is particularly inappropriate since the petition is based upon incorrect data furnished by Saturn itself.

Upon consideration of the petition and answer, the Board finds Saturn's petition and motion should be denied to the extent it requests retroactive rate adjustment. However, we will amend Part 288 to revise prospectively the Logair/Quicktrans minimum rates consistent with the carrier's current Form 243 reports for 1974 and the procedures established for such rate revisions.

In general, it is the Board's policy to make MAC rate adjustments effective on a prospective basis only. This policy was adopted principally at the urging of

DOD, and is intended to balance the carriers' interests in obtaining prompt rate relief during periods of rapidly escalating costs, and DOD's interest in maintaining rate finality and thus avoiding administrative and budgetary uncertainty over transportation costs.<sup>4</sup> ER-845, relied upon by Saturn, represents an exception to this policy. That case involved the correction of rates which had been finalized on the basis of erroneous information provided by DOD. Here, in contrast, the increased rates were based upon data supplied and certified as correct by the carrier. Under these circumstances, we can find no equitable basis to grant Saturn's request to increase retroactively the price of transportation services already utilized by DOD.

We have reviewed Saturn's computations for the amended linehaul rates per course-flown statute mile, based on the revised Logair/Quicktrans operating results for calendar year 1974, and find them to be accurate. Therefore, consistent with established procedure, we are adopting contemporaneously herewith an amendment to Part 288 to amend prospectively the Logair/Quicktrans interim final minimum rates reflecting the linehaul rates set out in the Appendices thereto. The amendment will also permit petitions for reconsideration with respect to these amended rates.

Accordingly, it is ordered, That:

1. Saturn Airways, Inc.'s petition for reconsideration of ER-906, effective May 2, 1975, requesting revision retroactive to May 2, 1975, of existing L-100 Quicktrans interim final minimum rates applicable to domestic cargo charter air transportation services performed for the Department of Defense be and hereby is denied; and

2. The motion for leave to file an unauthorized document by Saturn Airways, Inc. be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17397 Filed 7-2-75;8:45 am]

[Docket 27970]

#### NIGERIA AIRWAYS, LTD.

#### Foreign Permit Renewal (Nigeria-U.S.); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is as-

<sup>4</sup> See ER-879. Prior to adoption of this amendment, the policy which the Board followed with respect to interim rate adjustments was to issue a notice of rulemaking proposing increased interim rates, and then to consider the comments of interested persons prior to adoption of final rates. The rates finally adopted were then effective retroactive to the date of the notice. The DOD strongly opposed this procedure, and, as indicated above, it was abandoned by the Board in lieu of the procedure followed in the present proceeding.

signed to be held on July 22, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 9, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 27, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.75-17395 Filed 7-2-75;8:45 am]

[Order 75-6-139; Docket 23080-2]

#### PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

##### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June, 1975.

By Order 74-1-89,<sup>1</sup> the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges effective on and after March 28, 1973.

American Airlines, Inc. (American), has filed a petition requesting the Board to amend the foregoing order so as to establish a minimum chargeable weight and pickup and delivery charges for the M-2 container. In support of this request, American states that it soon intends to make M-2 containers available for mail service and desires to insure that such services are compensated for at the currently applicable temporary mail container rates. American suggests that the M-2 be assigned a minimum chargeable weight of 15,000 pounds, based on internal cubic capacity,<sup>2</sup> and pickup and delivery charges of \$75. Although this charge exceeds by \$25 the charge presently applicable to the M-1 container, American states that picking up and delivering the M-2 will require the employment of specialized handling equipment not used with the M-1 and other smaller mail containers.

United has filed an answer in opposition to the petition insofar as it requests adoption of the aforementioned pickup and delivery charge. United believes the \$75 charge proposed by American is too low and requests that the Board adopt instead a temporary charge of \$100 for M-2 pickup and delivery. In support of its proposal, United contends that American has neither furnished economic justification for its \$75 charge nor attempted to estimate the impact of such charge on the other mail carriers. Although United does not purport to justify its own proposal on the basis of cost, it

<sup>1</sup> January 16, 1974.

<sup>2</sup> 1134 cubic feet.

<sup>2</sup> Revised C.A.B. Form 243 reports for the quarters ended September 30, 1973, June 30, 1974, and September 30, 1974, were received April 21, 1975.

<sup>3</sup> DOD also requested additional time to analyze the rate impact for Saturn's revised Form 243 reports. We have been informally advised that DOD has now completed its evaluation and has no objection to Saturn's calculations. This makes moot the question of further delay raised by Saturn's request to file an unauthorized document.



argues that the Board has in the past established container pickup and delivery charges without "actual" cost justification by basing the charge on the relative cubic volume of the container, citing Order 74-11-16,<sup>3</sup> which allegedly used such methodology in connection with rating the M-1 container for mail. According to United, the \$50 pickup and delivery charge established in that order for the M-1 container was based on its cubic relationship to the A-2 container type; that is, \$40 (the applicable A-2 charge) times the percentage differential in cube between the A-2 and M-1 containers. United contends that because the M-2 has approximately twice the cubic capacity of the M-1, the pickup charges assigned to the M-2 should, consistent with the foregoing methodology, be roughly double that of the latter container, or \$100.

The Postal Service has filed a motion for leave to file an unauthorized document, consisting of a reply in opposition to the \$100 pickup and delivery charge proposed in United's answer. We shall grant the motion because we believe the Postal Service should be afforded the opportunity to respond to the allegations made in that answer.

In substance, the Postal Service believes that the \$75 pickup and delivery charge proposed by American is reasonable for temporary rate purposes, but that United's \$100 charge is excessive. In this regard, the Postal Service contends that American's charge, which is lower on a per-pound basis than the charges applicable to the LD-3, A-2, and M-1 containers, tends to reflect the efficiencies in container handling costs asserted to be associated with increases in shipment weight, whereas United's charge makes no allowance for such efficiencies. It also disputes the validity of the "cubic relationship" methodology used by United to arrive at a \$100 charge, alleging that, if such technique were assumed to be correct, the current A-2 and M-1 pickup charges should be considered too high. In any event, the Postal Service concludes that it should not cost twice as much to pick up or deliver one M-2 container as one M-1 container.

Upon consideration of the pleadings and all other relevant matters, the Board proposes to amend Order 74-1-89 to incorporate the M-2 container at the 15,000-pound minimum chargeable weight proposed in the petition. This is consistent with our policy of providing rates, minimum chargeable weights, and pickup and delivery charges for each container type used or useable for domestic mail transportation.

With respect to pickup and delivery charges, an examination of the pleadings indicates that neither carrier's proposal is based on a definitive costing of the service. However, considering that the temporary rates will be subject to retroactive adjustments, and the latitude involved in establishing such rates,<sup>4</sup> it ap-

pears that some modestly increased charge may be in order on a temporary basis to reflect the utilization of special handling equipment which American alleges handling the M-2 will require and which is not objected to by the Postal Service, the sole user of the service. We tentatively find American's \$75 charge reasonable for this purpose and propose to adopt it as the temporary charge for pickup and delivery of M-2 containers. On the other hand, there appears no basis for United's \$100 proposal. Contrary to United's contention, the Board did not employ the methodology it described in establishing charges for the M-1 container,<sup>5</sup> and the carrier has otherwise failed to substantiate its novel theory that the doubling of container size requires the doubling of container pickup and delivery charges. In any event, the Postal Service supports American's charge and has expressed reluctance to use the M-2 container if a higher pickup and delivery charge is imposed.

In consideration of the foregoing, the Board tentatively finds and concludes that the rates and charges proposed herein for the M-2 container are fair and reasonable for the purpose of establishing temporary rates in this proceeding. Of course, these rates and charges are subject to final determination in the *Domestic Service Mail Rates Inestitaion* (Docket 23080-2), in which the entire matter of appropriate rates and charges for mail containers will be thoroughly explored.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

*It is ordered, That:* 1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation by amending subparagraphs (e) and (g) of Ordering Paragraph 3 of

<sup>5</sup> The \$50 charge prescribed for the M-1 container was the charge proposed by the Postal Service in its answer to American's M-1 rate petition. The Board adopted the charge because of its acceptability to the Postal Service and the lack of economic justification for American's alternative \$60 charge.

Order 74-1-89, January 16, 1974, as follows:

(a) In subparagraph (e), insert "M-2" and "15,000" in the columns headed "Container Type" and "Minimum Charge Weight" before the terms "M-1" and "7500," respectively;

(b) In subparagraph (g) insert "M-2" and "\$75" in the columns headed "Container Type" and "Charge," respectively, before the terms "M-1" and "\$50;"

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and, if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the temporary rates and charges herein specified;

4. The motion of the Postmaster General to file an unauthorized reply to United's answer in this matter be and it hereby is granted; and

5. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-17399 Filed 7-2-75;8:45 am]

[Docket 22162]

#### SERVICE TO SULLIVAN COUNTY, NEW YORK

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 29, 1975, at 9:30 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues;<sup>1</sup> (2) proposed stipulations; (3) proposed requests for information and for evidence;<sup>1</sup> (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 15, 1975, and the other parties on or before July 25, 1975. The submissions

<sup>1</sup> See Orders 70-7-77, 71-1-64, 71-4-62, and 75-6-115.

<sup>3</sup> November 4, 1974.

<sup>4</sup> See, e.g., Order 75-2-3, February 3, 1975.



of the other parties shall be limited to points on which they differ from the Bureau, and shall follow the number and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 26, 1975.

[SEAL] BURTON S. KOLKO,  
Administrative Law Judge.

[FR Doc.75-17396 Filed 7-2-75;8:45 am]

## CIVIL SERVICE COMMISSION

### MANUAL ON FUND-RAISING WITHIN THE FEDERAL SERVICE FOR VOLUNTARY HEALTH AND WELFARE AGENCIES

#### Notice of Changes

On December 26, 1974, there was published in the FEDERAL REGISTER a notice of proposed amendments to the Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies. Interested agencies and persons were invited to submit written comments to the Commission by January 15, 1975. These comments have been considered, and the revisions are included in the material set out below. These revisions will be effective July 1, 1975.

IRVING KATOR,  
Assistant to the Chairman.

JUNE 27, 1975.

#### CHAPTER 3—CAMPAIGN ARRANGEMENTS FOR VOLUNTARY AGENCIES

##### \* \* \* \* \*

#### 3.4 Definition of Terms Used in Federal Arrangements

\* \* \* \* \*

4.3 *Federated Community.* A location within the domestic area where a federated fund-raising program is operated by national and local voluntary agencies through a community chest, united fund, or other local federated group which is a member in good standing of, or is recognized by, United Way of America, and which meets the nondiscrimination requirements prescribed in Chapter 7 and the requirements for the adoption and use of the Uniform Standards of Accounting and Financial Reporting.

*Requirements for Participation in Federal Fund-Raising Program.* To be eligible for participation in the Federal fund-raising program, the local federated group through its board and committee membership should be broadly representative of the social and economic characteristics of the community and be making bona fide efforts to meet community needs. Also, requirements for participation in a local federated group must be in writing and available to the public, must be reasonable, and must be applied fairly and uniformly to all local agencies requesting participation. Procedures must be provided by the federated group for at least one review of any decision denying participation requested by a local agency. The review must be conducted by a committee or group within the federated organization which did not participate in the original decision. A written statement of the reasons for denial must be provided the applicant agency. (Note: Where a local chapter or affiliate of a national agency precluded from independent participation in the Federal fund-raising program because the agency is supported primarily through united funds is not approved for participation by a local united fund, such chapter or affiliate may request

the Civil Service Commission to review the reasons for its non-approval. Before taking any action, the Civil Service Commission will ask for a report on the facts by the United Way of America.)

##### \* \* \* \* \*

#### 3.5 Policies Governing Federal Arrangements.

##### \* \* \* \* \*

#### .55 Federated Campaigns—.551 Authorization.

\* \* \* \* \*

If a member agency does not meet the accounting and financial reporting requirements, it shall not be permitted to solicit contributions from Federal personnel in the local area. Failure will not affect the right of the fund or other member agencies which meet such requirements to solicit. Failure of a member agency, however, to meet the nondiscrimination requirements may disqualify the fund from soliciting contributions (see Section 7.65). If the local united fund does not meet these requirements, or where the fund is disqualified from soliciting contributions, the local area becomes a nonfederated community for purposes of fund raising and solicitations will be coordinated in accordance with Section 3.561 of the Manual. (For additional information on nondiscrimination requirements, see Chapter 7.)

#### CHAPTER 5—ELIGIBILITY REQUIREMENTS FOR NATIONAL VOLUNTARY AGENCIES

5.1 *Purpose.* These eligibility requirements are established to insure that:

a. Only responsible and worthy voluntary agencies are permitted to solicit on the job in Federal installations,

b. The funds contributed by Federal personnel will be used effectively for the announced purposes of the soliciting agency, and

c. All recognized national agencies have field organizations capable of participating equitably in the joint campaign arrangements required by the Federal program.

5.2 *General Requirements.*—21 *Type of Agency.* Only nonprofit tax-exempt charitable organizations, supported by voluntary contributions from the general public, providing direct services to persons in the fields of health and welfare services are eligible for approval. Where the provision of such services is by international agencies, such services must be consistent with the policies of the United States Government. Agencies which are supported primarily through united funds and community chests will not be recognized for participation in the Federal fund-raising program except with respect to non-federated communities and the overseas area. Such agencies may be eligible for participation in the overseas fund-raising program only if they provide a specific service to persons overseas and meet all other eligibility requirements. National agencies not receiving primary support from local united ways must meet all eligibility requirements overseas campaigns.

22 *Integrity of Operations.* Only agencies having a high degree of integrity and responsibility in the conduct of their affairs will be approved. Funds contributed to such organizations by Federal personnel must be used effectively for the announced purposes of the agency.

23 *Avoidance of Competition.* To avoid solicitation competition, approval will not be granted to more than one national health agency within a single field which deals with physical handicap or disease, or if an international service agency, to more than one agency meeting a particular human need in the same geographic area, unless there is a demonstrated need for such additional service.

24 *National Scope.* The agency must demonstrate that:

a. It is organized on a national scale with a national association which is representative of its constituent parts and which, through its board of directors, exercises close supervision over the operations and fund-raising policy of any local chapters or affiliates.

b. It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability will usually be shown by operating chapters providing service in all or most of the states, with contributor support from all or most parts of the nation. Good will and acceptability throughout the United States will also be demonstrated by other means, such as the extent of support received from the public, the number and location of contributors, the national character of campaigning directed to the public, the reputation of the organization on a national basis, and the proportionate effect on total income of the organization's participation in the Federal program. In the case of international agencies, chapter or affiliate coverage in all or most states need not exist.

c. It has enough fund-raising representatives at decentralized locations to be able to enter into full participation with a group of agencies in the conduct of local campaigns throughout the United States.

d. If a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local chapter or affiliate coverage to implement its national program in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.<sup>1</sup>

e. If an international service agency, it has a well-defined program not duplicative of existing programs and which meets basic human needs in an overseas area.

25 *Type of Campaign.* Approval will be granted only for fund-raising campaigns in support of current operations. Capital fund campaigns are not authorized. Agencies must observe the policy and procedural requirements for fund raising in the Federal service.

5.3 *Specific Requirements.*—31 *Program.* An active and necessary program providing direct services to persons, with particular regard to the welfare of the public and the persons served; evidence of consultation and cooperation with established agencies in the same or related fields; and efficient operations.

32 *Volunteer Control.* Direction of the organization by an active, voluntary board of directors which serves without compensation, holds regular meetings, and exercises effective administrative control.

33 *Finances.* Adoption of the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and maintenance of a financial system which includes accounting procedures acceptable to an independent certified public accountant. Conduct of fiscal operations in accordance with a detailed annual budget, prepared and approved at the beginning of the year by the board of directors with prior authorization by the board of any significant variations from the approved budget.

34 *Administrative and Fund-Raising Expense.* Administrative and fund-raising

<sup>1</sup> While a national health agency may meet eligibility requirements, local chapters, in order to participate in the local fund-raising program, must provide a direct and meaningful service in the area (county) in which the campaign is being conducted (see Section 3.572b and Section 4.2b).



expenses which are reasonable. Expenditure for administration and fund raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expense exceeds this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising and administrative expenses under all the circumstances in its case.

**35 Fund-Raising Practice.** Publicity and promotional activities based upon the actual program and operations of the agency and which is truthful and nondeceptive and which includes all material facts; protection afforded against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finder fees, percentages, bonuses, or overrides for fund raising; no mailing of unordered tickets or commercial merchandise with a request for money in return; and no general telephone solicitation of the public.

**36 Nondiscrimination.** A policy and practice of nondiscrimination on the basis of race, color, religion, sex, or national origin, applicable to persons served by the agency, to agency staff employment, and to membership on the agency's governing board, as prescribed in Chapter 7. Organizations which are organized along religious lines or which are organized to serve persons of a particular sex may nevertheless meet eligibility requirements if a bona fide purpose for organizing along religious lines or for service directed to persons of a particular sex can be shown.

**37 Annual Report.** Preparation of an annual report to the general public which includes a full description of the agency's activities and accomplishments and the names of chief administrative personnel.

**38 Financial Reports.** Preparation of a consolidated annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification of such report by an independent certified public accountant.

**39 Independent Audit.** Completion on an annual basis of an external audit by an independent certified public accountant.

**40 Source of Funds and Costs Report.** Filing of special report with Chairman of the Civil Service Commission which discloses on a consolidated basis the agency's (including its chapters and affiliates) sources of funds, fund-raising expense, and use of net funds in its most recent fiscal year.

**5.4 Application Requirements—41 Exemptions.** The American National Red Cross and local community chests or united funds which are members in good standing of, or are recognized by, the United Way of America are exempt from these application requirements except for the nondiscrimination requirements of paragraph 5.46i and the accounting and financial reporting require-

ments of paragraphs 5.46g and 5.46k. In addition, the United Way of America as a national organization must conform in its financial reporting to the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations. For purposes of this section, the American National Red Cross and its chapters are recognized as operating an accounting and financial system in substantial compliance with the Uniform Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification to this effect by local chapters is not required. Local Red Cross chapters are required to furnish nondiscrimination assurances, as required by Section 7.4 of Chapter 7.

**42 Annual Applications.** To be considered for solicitation privileges in domestic or overseas campaigns in the Federal service, each national voluntary agency must file application annually. National voluntary agencies which have already been approved for fund-raising privileges in the Federal service are not required to submit the information requested in sections 5.46 a, b, c, d, and h, except where there has been a substantial or significant change in these items; for example, a change in purpose of the organization or a decline in chapter coverage or activity. They are required to furnish information asked for in sections 5.46 e, f, g, i, j, k, l, and m.

**43 Time and Place of Filing.** Application is filed with the Office of the Chairman, U.S. Civil Service Commission, Washington, D.C. 20415 and must be postmarked on or before February 1. Applicants are urged to file as early as possible.

**44 Eligibility Decisions.** Decisions as to eligibility are made by the Chairman, U.S. Civil Service Commission, with the assistance of an eligibility committee of government officials and employee organization leaders, and are based upon the information filed with the agency's application and derived from other responsible sources.

**45 Notice of Decision.** Applicants are notified of the decisions on their applications as soon as possible after filing. If dissatisfied with the Chairman's decision, the applicants have the opportunity to request a personal appearance before the Chairman's representative or a review of the decision by such official without a personal appearance.

**46 Form and Content of Application.** Applications shall be filed in the following form, with the information, documents and data specified:

a. *Corporate Name and Fiscal Year.*

b. *Origin, Purpose and Structure of Organization.* Furnish information to show agency meets the General Requirements stated in Section 5.2. Applications limited to overseas campaign privileges only will be considered under modified requirements for paragraphs 5.24 c and d.

c. *Chapters, Affiliates or Representatives.* Furnish a list of chapters, affiliates or representatives arranged in alphabetical order by state and, under the state, by cities with

chapter, affiliate or representative by names and addresses.

d. *National Scope* (sec. 5.24). Demonstrate the good will and acceptability of the organization throughout the United States.

e. *Program* (sec. 5.31). Outline the program. List the names of other national voluntary agencies which offer similar services covering the whole or a part of the same field of activity and state past and current relationships with such agencies.

f. *Volunteer Control* (sec. 5.32). Describe board of directors' administrative activity in past year and list board members' names, addresses and businesses or professions.

g. *Finances* (sec. 5.33). Furnish certification by an independent certified public accountant of compliance with an acceptable financial system and adoption of the Uniform Standards.

h. *Fund-Raising Practice* (sec. 5.35). State compliance with all factors.

i. *Nondiscrimination* (sec. 5.36). Furnish written assurance of racial nondiscrimination as prescribed by Chapter 7. If applicant has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice without substantial change, further assurance is not required in applications for renewal of recognition.

j. *Annual Report* (sec. 5.37). Furnish copy of latest annual report.

k. *Financial Report* (sec. 5.38). Furnish copy of latest financial report prepared in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification by an independent certified public accountant that the report was prepared in conformity with the "Standards."

l. *Independent Audit* (sec. 5.39). Furnish copy of latest external audit by an independent certified public accountant.

m. *Source of Funds and Costs Report* (sec. 5.40). Furnish a special report with the Chairman of the Civil Service Commission consistent with the reporting requirements of the Standards referred to in section 5.38 which discloses the agency's sources of funds, expenditures by program service and supporting services, separately identifying fund-raising and other expenditures. The report must cover the most recent fiscal year and represent a consolidated statement of national and affiliate income and expenditures. The amount of contributions received from united funds or community chests, from Federal service campaigns, and the total from other sources must be separately identified and shown as a percent of total contributions. Report should be furnished in accordance with the format shown in the attachment to this Chapter.

**5.5 Public Announcement of Recognized Agencies and Assigned Periods.** The Chairman of the Civil Service Commission issues a bulletin in the spring of each year to announce the names of all voluntary agencies recognized for the ensuing fiscal year and to specify the periods assigned for their solicitations within the Federal service.



## ATTACHMENT A

(Agency)

## CONSOLIDATED SOURCE OF FUNDS AND COSTS REPORT

(Including Chapters and Affiliates)

(For the year ending.....)  
(date)Support from the Public:  
Received Directly:

	Amount	Percent of income
Contributions.....	\$.....	.....
Special Events (less related expenses of \$.....)	.....	.....

Subtotal.....	.....	.....
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## Received Indirectly:

United Funds and/or Community Chests.....	.....	.....
Federal Service Campaigns.....	.....	.....
Other Contributions.....	.....	.....

Subtotal.....	.....	.....
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Total Support from the Public.....	.....	.....
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## Miscellaneous Revenue:

Government Grants (including grants-in-kind).....	.....	.....
Service Fees, Literature Sales, etc.....	.....	.....
Gain from the Sale of Products.....	.....	.....
Memberships.....	.....	.....
Investment Income.....	.....	.....
Other income.....	.....	.....

Total Miscellaneous Revenue.....	.....	.....
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Total Support and Revenue.....	.....	100
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## Expenditures:

	Amount	Percent of expenditure
Program Services:		
(Category).....	.....	.....
(Category).....	.....	.....
(Category).....	.....	.....
(Category).....	.....	.....

Subtotal.....	.....	.....
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## Supporting Services:

Management and general.....	.....	.....
Fund Raising.....	.....	.....

Subtotal.....	.....	.....
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Total Expenditures.....	.....	100
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Excess of Revenue Over Expenditures, \$.....	.....	.....
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CHAPTER 7—NONDISCRIMINATION  
REQUIREMENTS

7.1 *Nondiscrimination Standard.* Voluntary agencies recognized for fund-raising privileges within the Federal service must operate without discrimination and must carry out affirmative programs to assure equal employment opportunity. This policy applies to persons served by the agencies, to the staffs of the agencies, and to membership on their governing boards. Operating without discrimination means that:

a. No person is excluded from service because of race, color, religion, sex, or national origin.

b. There is no segregation of those served on the basis of race, color, religion, sex, or national origin.

c. There is no discrimination on the basis of race, color, religion, sex, or national origin with regard to hiring, assignment, promotion, or other conditions of staff employment.

d. The agency has a written plan for and is undertaking positive action to achieve equal employment opportunity for all persons in the filling of its staff positions. The plan must include elements such as: contacts with appropriate organizations in the community, including minority group and women's organizations, regarding the agency's employment needs; recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs; identifying the agency as an equal employment opportunity employer in recruitment advertisements; and the use for job referral purposes of only those employment agencies which do not discriminate on the basis of race, color, religion, sex, or national origin in making referrals.

e. There is no discrimination on the basis of race, color, religion, sex, or national origin

in membership on the agency's governing body.

7.2 *Exemptions.* Exemptions to the above requirements relating to religion or sex may be granted by the Civil Service Commission if a voluntary agency is organized for a bona fide purpose on a religious basis or if its purpose is reasonably related to service of persons of a particular sex.

7.3 *Nondiscrimination on Basis of Handicap or Age.* In addition, voluntary agencies should not discriminate in employment, service, or membership on governing bodies on the basis of handicap or age, although reasonable limitations as to age for employment, service, or membership on a governing body may be made where age is a bona fide consideration.

7.4 *Voluntary Agencies Affected.* Every national or local voluntary health or welfare agency which solicits contributions from Federal employees or members of the Armed Forces at place of employment or duty station must first provide satisfactory assurance that it follows a policy and practice of nondiscrimination. This requirement is applicable to:

a. A local united fund, community chest or other federated fund-raising organization which is authorized solicitation privileges under the provisions of Manual section 3.55, and each participating member agency;

b. Each member agency of a coordinated solicitation which is authorized solicitation privileges under the provisions of Manual section 3.56;

c. The national office and each state or local chapter of a national voluntary agency which is authorized on-the-job solicitation privileges under the provisions of Manual section 3.57;

d. Each national or local voluntary agency which is authorized solicitation privileges in the overseas area under the provisions of Manual section 3.58; and

e. Each voluntary agency which is authorized off-the-job solicitation privileges under the provisions of Manual section 3.6.

7.5 *Assurance Required.*—51 *Form of assurance.* Assurance of nondiscrimination shall be in writing and shall consist of:

a. A statement of policy by the agency's governing board (national or local board, as appropriate) covering the elements of nondiscrimination listed in the standard,

b. A certification that the agency's practices in fact conform with the standard, and

c. A certification that the national organization and each local chapter has prepared an affirmative action plan to assure equal employment opportunity.

Policy statements and certifications shall be sufficiently explicit to assure that the five elements of nondiscrimination listed in the standard are met. While no standard form or format is required, a sample form is shown at the end of this Chapter.

52 *Filing procedure.*—a. *National level.* A national voluntary agency which is required by the provisions of Manual section 5.4 to file application annually for independent solicitation privileges shall file with the Office of the Chairman, Civil Service Commission, by February 1, satisfactory assurance with respect to the policy and practice of its national organization.

b. *Local level.*—(1) *United Funds and Chests.* A local united fund, community chest or other federated fund-raising organization shall advise its member agencies (including the local Red Cross chapter where it raises funds in partnership with the local united fund or chest) of the nondiscrimination requirements and requirement on each agency for an affirmative action plan for equal employment opportunity and request each agency to furnish assurance of nondiscrimination as prescribed in .41 above. It shall receive such assurances and forward them in a group, with the policy statement and certification of the federated fund-raising organization itself, to the appropriate Federal official in its local campaign area.

(2) *American Red Cross.* Where a local Red Cross chapter participates as an independent agency outside of the local united fund, such chapter must have an affirmative action plan and furnish the necessary nondiscrimination certification as prescribed in .41 above.

(3) *National Voluntary Agencies.* Each local chapter or affiliate of a national voluntary agency<sup>2</sup> approved for Federal fund-raising privileges shall provide satisfactory assurance of nondiscrimination to the appropriate local Federal officials. Failure to submit proper certification will bar the local chapter or affiliate from participation in the appropriate local campaign.

53 *Recipient of Assurances Filed Locally.* Nondiscrimination assurances required to be filed at the local level shall be filed with the chairman of the appropriate local Federal coordinating group, or in the absence of such organization in the local area, with the head of the local Federal installation having the largest number of civilian and military personnel.

<sup>2</sup> Where International Service Agencies do not have local chapters or affiliates providing a service in the area, no local certification is required. The certification of the national office to the Civil Service Commission is sufficient.



.54 *Submission of Affirmative Action Plans.* National or local voluntary agencies, including chapters or affiliates of approved national organizations, must have available for inspection the affirmative action plan specified in Section 7.1d. On request, these plans must be submitted to appropriate Federal officials who may review the plans and require amendments thereto. Appropriate Federal officials may also request information concerning employment patterns and board membership on the basis of race, ethnic origin, and sex.

.55 *When Further Assurance is Required.* A national or local voluntary agency or chapter or affiliate which has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice is not required to file further assurance to continue its eligibility for subsequent years unless such further assurance is expressly requested by the appropriate Federal official. This may be required at any time at the option of appropriate local Federal officials or by the Office of the Chairman, Civil Service Commission.

7.6 *Administration by the Federal Government*—.61 *Responsibility for Administration.* The responsibility for administration of the nondiscrimination requirements at the national level is assigned to the Office of the Chairman, Civil Service Commission.

At the local level, each local Federal coordinating group is authorized and responsible for administration of the nondiscrimination requirements in its local area. In the absence of such an organization in the local area (county), the authority and responsibility is assigned to the head of the local Federal installation having the largest number of civilian and military personnel. At their discretion, a local Federal coordinating group may redelegate to an appropriate committee, or the head of a designated local Federal installation may redelegate to a subordinate official, such of the authority assigned in this section as is deemed appropriate.

The heads of Federal offices and installations shall permit the solicitation of employees or military personnel on the job, or "off the job" as defined in Manual section 3.6, only on behalf of such voluntary agencies as have been determined by the responsible Federal coordinating group or official to be qualified under the nondiscrimination standard and related requirements.

.62 *Acceptance of Nondiscrimination Assurances.* The appropriate Federal official in each local area, as designated above, will review nondiscrimination assurances filed to determine that they meet the requirements. Such additions or amendments and recertifications as appear necessary to the Federal official may be required. The Federal official will notify the heads of all local Federal offices and installations of his finding with respect to the receipt of satisfactory nondiscrimination assurances from all voluntary agencies which are otherwise eligible to solicit contributions from Federal personnel in the local area. Assurances will be retained as official records in the custody of the office of the Federal official. The responsible local Federal official may request interpretation or advice from the Office of the Chairman, Civil Service Commission, as needed, and may require the submission of affirmative action plans for review.

.63 *Disqualifications.* If a required nondiscrimination assurance is not filed with the appropriate local Federal official, or is filed but is determined to be unsatisfactory, the voluntary agency concerned shall not be permitted to solicit contributions from Federal personnel in the local area until

satisfactory assurance is received. Similar action may also be taken by Federal officials where affirmative action plans have not been prepared or are considered unsatisfactory. (See below for appropriate action where a federated organization or a member agency of a federated organization fails to submit a satisfactory nondiscrimination assurance.)

In the event a voluntary agency files satisfactory assurance but information is received which raises a question whether the agency's practices in fact meet the standard for nondiscrimination in this Manual, the appropriate Federal official shall make such investigation as may be necessary and, after providing the agency an opportunity to present evidence of satisfactory compliance, shall make a determination whether Federal fund-raising privileges in the local area will be granted or withheld from the agency. If a member agency of a federated organization is found not to be in compliance with the nondiscrimination requirements, local Federal officials must notify the Office of the Chairman for appropriate action as indicated in .65 below. If a question regarding nondiscrimination practices is raised with respect to a voluntary agency which furnished its assurance to the Civil Service Commission, the appropriate Federal official will forward the question and all available related information to the Office of the Chairman, Civil Service Commission, for investigation.

.64 *Where Federated Organization Fails to Submit Required Assurance.* If a local united fund, community chest or other federated organization does not itself file a satisfactory nondiscrimination assurance, or if the practice of the organization is found not to be in compliance with the nondiscrimination requirements, including the preparation of an acceptable affirmative action plan, the federated organization shall not be permitted to solicit contributions from Federal personnel in the local area. In such event the local area becomes a non-federated community for purposes of Federal fund raising. Member agencies of the federated organization which individually have met the nondiscrimination requirements will not be allowed to solicit independently. However, they may organize a coordinated solicitation in accordance with the provisions of Manual section 3.56.

.65 *Where Member Agency Included in a Federated Organization Fails to Submit Required Assurance.* Where one or more member agencies in a federated organization fails to file satisfactory nondiscrimination assurance, or where the practice of an agency is not found to be in compliance with the nondiscrimination requirements, including the preparation of an acceptable affirmative action plan, the fund-raising privileges in the local area of such agencies shall be cancelled. If such agencies continue as member agencies of the local fund despite failure to comply with the nondiscrimination requirements, the fund-raising privileges of the federated organization may be cancelled by the Office of the Chairman, U.S. Civil Service Commission, after notice to the federated group and to the United Way of America of intent to cancel unless corrective action is taken. *Appropriate local Federal officials have the responsibility to notify the Office of the Chairman if any agency of a local united fund, community chest, or other federated organization fails to file a satisfactory nondiscrimination certification as called for in .51 above or whose practice is found not to be in compliance with the nondiscrimination requirements.*

SAMPLE CERTIFICATE<sup>3</sup>

At a meeting of the governing board of \_\_\_\_\_ held on \_\_\_\_\_ the \_\_\_\_\_  
(name of agency) (date)  
board ☐ adopted a policy ☐ affirmed its policy of nondiscrimination as follows:

1. No person is excluded from service because of race, color, religion, sex, or national origin.

2. There is no segregation of persons served on the basis of race, color, religion, sex, or national origin.

3. There is no discrimination on the basis of race, color, religion, sex, or national origin with regard to hiring, assignment, promotion or other conditions of staff employment.

4. The agency has a written plan for positive action to achieve equal employment opportunity for all persons in the filling of its staff positions including elements such as contacts with various organizations in the community, including minority group organizations, regarding the agency's employment needs, recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs, identifying the agency as an equal employment opportunity employer in recruitment advertisements, and the use for job referral purposes of only those employment agencies which do not discriminate on the basis of race, color, religion, sex, or national origin.

5. There is no discrimination on the basis of race, color, religion, sex, or national origin in membership on the agency's governing body.

I certify that the practices of this organization conform to the policy of nondiscrimination stated above.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(President or other authorized official)

[FR Doc.75-17377 Filed 7-2-75; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

#### Entry or Withdrawal From Warehouse for Consumption

JUNE 30, 1975.

On May 28, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Colombia concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Colombia to the United States over a period of three years beginning on July 1, 1975 and extending through June 30, 1978. Among the provisions of the agreement are those establishing an aggregate limit for Categories 1-64, 101-132, and 200-243; and group limits within

<sup>3</sup> Certificate may be appropriately modified where exemption has been granted by the Civil Service Commission for agencies organized for bona fide purposes along religious lines or where service is restricted to members of a particular sex.



the aggregate for Categories 1-4, 101-103, and 200-205; Categories 5-38, 64, 104-110, 126, 128, 131, 132, 206-213, and 241-243; and Categories 39-63, 111-125 and 214-240. Within the aggregate and applicable group limits, specific limits have been established for Categories 1-4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 for the agreement year beginning on July 1, 1975.

Accordingly, there is published below a letter of June 30, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 1-4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 be limited to the designated levels for the twelve-month period beginning on July 1, 1975 and extending through June 30, 1976.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 1, 1975.

ALAN POLANSKY,  
*Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance,  
U.S. Department of Com-  
merce.*

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

JUNE 30, 1975.

COMMISSIONER OF CUSTOMS,  
*Department of the Treasury,  
Washington, D.C. 20229.*

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1975 and for the twelve-month period extending through June 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-4, 9/10, 22/23, wool textile products in Categories 120 and 121, and man-made fiber textile products in Categories 219, 221, 224, and 229 in excess of the following levels of restraint:

Category	12-month level of restraint
1-4 ----- pounds...	5,565,217
9/10 ----- square yards...	6,600,000
22/23 ----- do.....	11,000,000
120 ----- units...	131,487
121 ----- do.....	84,375
219 ----- dozen...	206,972
221 ----- do.....	58,234
224 ----- pounds...	1,248,397
229 ----- dozen...	141,818

In carrying out this directive, entries of cotton textile products in Categories 1-4, 9/10, and 22/23, produced or manufactured in Colombia and exported to the United

States prior to July 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1974 through June 30, 1975. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Wool textile products in Categories 120 and 121 and man-made fiber textile products in Categories 219, 221, 224, and 229, produced or manufactured in Colombia and exported to the United States before July 1, 1975, shall not be subject to this directive.

Wool textile products in Categories 120 and 121 and man-made fiber textile products in Categories 219, 221, 224, and 229 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 28, 1975 between the Governments of the United States and Colombia which provide, in part, that: 1) within the aggregate and applicable group limits, specific limits among Categories 1-38, 64, 200-213, and 241-243 may be exceeded by 10 percent; among Categories 39-63 and 214-240, by 7 percent; and among Categories 101-132, by 5 percent; 2) specific levels of restraint may be increased for carry-over and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textiles from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
*Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant Sec-  
retary for Resources and Trade  
Assistance, U.S. Department of  
Commerce.*

[FR Doc.75-17361 Filed 7-2-75;8:45 am]

**CERTAIN COTTON, WOOL AND MAN-MADE  
FIBER TEXTILE PRODUCTS PRODUCED  
OR MANUFACTURED IN THE REPUBLIC  
OF KOREA**

**Entry or Withdrawal From Warehouse for  
Consumption**

JULY 2, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR

35839) a letter dated September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. These levels of restraint were established to implement certain provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 1972, as amended, between the Governments of the United States and the Republic of Korea.

On June 26, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, the Governments of the United States and the Republic of Korea concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of Korea to the United States for the three-year period beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the agreement are those establishing a consultation limit for Category 218 (knit T-shirts) and a specific level of restraint for Category 237 (suits, not knit) for the agreement year which began October 1, 1974.

In order that the embargo of these two categories may be lifted as soon as possible, there is published below a letter of July 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 218 and 237 be limited to the designated levels. The levels published below have not been adjusted to reflect any entries made in these categories after September 30, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 3, 1975.

ALAN POLANSKY,  
*Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.*



COMMITTEE FOR THE IMPLEMENTATION  
OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

JULY 2, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes that portion of the directive issued to you on September 26, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of man-made fiber textile products in Categories 218 and 237, produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1974.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 3, 1975, and for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 218 and 237 in excess of the following levels of restraint:

Category	12-month level of restraint <sup>1</sup>
218 -----dozen-----	828, 736
237 -----numbers-----	155, 555

In carrying out this directive entries of man-made fiber textile products in Categories 218 and 237 produced in the Republic of Korea and exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; 2) these same levels may be increased for carry-over and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consump-

tion into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary for  
Resources and Trade Assistance,  
U.S. Department of Commerce.

[FR Doc. 75-17553 Filed 7-2-75;9:55 am]

**CERTAIN COTTON, WOOL AND MAN-MADE  
FIBER TEXTILE PRODUCTS PRODUCED  
OR MANUFACTURED IN THE REPUBLIC  
OF KOREA**

**Entry or Withdrawal From Warehouse for  
Consumption**

JULY 1, 1975.

On October 1 and October 4, 1974, there were published in the FEDERAL REGISTER (39 FR 35410 and 35839) letters dated September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of December 30, 1971 and the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, both as amended, between the Governments of the United States and the Republic of Korea.

On June 26, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, the Governments of the United States and the Republic of Korea concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of Korea to the United States over a period of three years beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the new agreement are those establishing an aggregate limit for Categories 1-64, Categories 101-132, and Categories 200-243; and group limits for Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243; Categories 39-62, part of 63 (other than shoe uppers), and 214-240; and Categories 101-132. Within the aggregate and applicable group limits, specific limits have been established for

Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, 222, 224, 228, 234, 235, and 238. All other categories are subject to consultation levels.

Accordingly, there is published below a letter of July 1, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letters of September 26, 1974 and directing that for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 39, 45/46/47, 48, 49, 50/51 and 52; wool textile products in Categories 104, 120, and 121; and man-made fiber textile products in Categories 208, 210, 219, 221, 222, 224, 228, 229, 234, 235, and 238 be limited to the designated levels. The levels published below have not been adjusted to reflect any entries made in these categories after September 30, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 8, 1975.

ALAN POLANSKY,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance,  
U.S. Department of Com-  
merce.

COMMITTEE FOR THE IMPLEMENTATION OF TEX-  
TILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

JULY 1, 1975.

DEAR MR. COMMISSIONER: With the exception of man-made fiber textile products in Categories 218 and 237, this directive cancels and supersedes the directives issued to you on September 26, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton and wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1974.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 3, 1975, and for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26.



22/23, 26 (duck), 39, 45/46/47, 48, 49, 50/51, and 52; wool textile products in Categories 104, 120, and 121; and man-made fiber textile products in Categories 208, 210, 219, 221, 222, 224, 228, 229, 234, 235, and 238 in excess of the following levels of restraint:

Category	12-month level of restraint <sup>1</sup>
9/10 -----	5,804,016 yd. <sup>2</sup>
18/19/26 (print-cloth). <sup>2</sup>	4,616,064 yd. <sup>2</sup>
22/23 -----	3,177,822 yd. <sup>2</sup>
26 (Duck fabric). <sup>3</sup>	19,346,710 yd. <sup>2</sup>
39 -----	265,555 doz. pairs.
45/46/47 -----	2,989,350 yd. <sup>2</sup> equivalent.
48 -----	19,796 doz.
49 -----	45,000 doz.
50/51 -----	170,000 doz. (of which not more than 90,092 doz. shall be in Category 50 and not more than 121,942 doz. shall be in Category 51).
52 -----	62,358 doz.
104 -----	1,536,169 yd. <sup>2</sup>
120 -----	320,448 numbers.
121 -----	192,000 numbers.
208 -----	13,000,000 yd. <sup>2</sup> (of which not more than 8,000,000 yd. <sup>2</sup> shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036).
210 -----	1,170,000 yd. <sup>2</sup>
219 -----	3,738,129 doz.
221 -----	2,565,103 doz.
222 -----	903,794 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143).	41,333 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103).	43,956 doz.
Pt. 224 <sup>4</sup> -----	3,867,785 lb.
228 -----	777,202 doz.
234 -----	3,521,435 doz.
235 -----	1,302,967 doz.
238 -----	192,215 doz.

<sup>1</sup> The levels of restraint have not been adjusted to reflect any entries made after September 30, 1974.

<sup>2</sup> In Category 26 the T.S.U.S.A. Numbers for printcloth are:

320...34	326...34
321...34	327...34
322...34	328...34

<sup>3</sup> In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

<sup>4</sup> All T.S.U.S.A. numbers in Category 224 except T.S.U.S.A. Nos. 380.0420, 380.8103, 380.0402, and 380.8103.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in all of the foregoing categories, except Category 121, produced in the Republic of Korea and exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of wool textile products in Category 121 prior to October 1, 1974 shall not be subject to this directive.

Wool textile products in Category 121 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance,  
U.S. Department of Com-  
merce.

[FR Doc.75-17554 Filed 7-2-75; 9:55 am]

### COMMISSION OF FINE ARTS PUBLIC PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C. Meeting

JUNE 25, 1975.

The Commission of Fine Arts will meet on Wednesday, July 30, 1975, at 11 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various public projects affecting

the appearance of Washington, D.C. Inquiries regarding the agenda and requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,  
Secretary.

[FR Doc.75-17391 Filed 7-2-75; 8:45 am]

### COMMODITY FUTURES TRADING COMMISSION

#### STANDARDS FOR DENIAL OF REGISTRATION

##### Release of interpretation

The Commodity Futures Trading Commission (the "Commission") has announced that it is releasing its interpretation of certain standards found in the Commodity Exchange Act (the "Act") concerning denial of registration of futures commission merchants, associated persons, commodity trading advisors, commodity pool operators and floor brokers. The Commission has determined that this interpretation of general applicability which has been formulated and adopted by the Commission should be made public to assist prospective applicants for registration and to permit members of the public to comment on the standards which the Commission feels are appropriate in determining whether a person is suited to engage in the business for which he is applying for registration.

Section 8a of the Act states in part that:

SEC. 8a. The Commission is authorized—

(1) to register futures commission merchants and persons associated therewith as described in section 4k of this Act, commodity trading advisors, commodity pool operators, and floor brokers upon application in accordance with rules and regulations and in form and manner to be prescribed by the Commission; and

(2) to refuse to register any person—

(A) if the prior registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked;

(B) if it is found, after opportunity for hearing, that the applicant is unfit to engage in the business for which the application for registration is made, (i) because such applicant, or, if the applicant is a partnership, any general partner, or, if the applicant is a corporation, any officer or holder of more than 10 per centum of the stock, at any time engaged in any practice of the character prohibited by this Act or was convicted of a felony in any State or Federal court, or was debarred by any agency of the United States from contracting with the United States, or the applicant willfully made any material false or misleading statement in his application or willfully omitted to state any material fact in connection with the application, or (ii) for other good cause shown; or

(C) in the case of an applicant for registration as futures commission merchant, if it is found after opportunity for hearing, that the applicant has not established that he meets the minimum financial requirements under section 4f of this Act; \* \* \*

Certain provisions of section 8a(2) are self-explanatory. For example, where an applicant has been suspended and the



period of such suspension has not expired or where the applicant's prior registration has been revoked, the Commission is authorized to deny registration. In addition, where an applicant willfully made a materially false and misleading statement in his application or willfully omitted to state any material fact in connection with the application, the Commission is authorized to deny registration, if, after opportunity for hearing, it is determined that because of such action the applicant is unfit to engage in the business. However, other provisions in section 8a(2) are not so specific, such as the authority after opportunity for hearing to deny registration for having engaged in a practice of the character prohibited by the Act. In addition, the Commission is authorized, after opportunity for hearing, to deny registration if "for other good cause shown", the applicant is unfit to engage in the business for which he has made application for registration. These criteria are not specific and need Commission interpretation. The Commission has interpreted "for other good cause shown" to include the following:

1. The Commission may refuse to register a person as a futures commission merchant, floor broker, associated person, commodity trading advisor, or commodity pool operator, if

A. The operations of such person disrupt or would tend to disrupt orderly market conditions, or cause or would tend to cause sudden or unreasonable fluctuations or unwarranted changes in the prices of commodities;

B. Such person, or any partner, officer, director, person performing similar functions, controlling person, or holder of more than 10 per centum of the stock thereof—

(i) Has been convicted within ten years preceeding the filing of the application of any felony or misdemeanor which (1) involves any transactions or advice concerning any commodity or security; (2) arises out of conduct of the business of a futures commission merchant, floor broker, associated person, commodity trading advisor, commodity pool operator, securities broker, securities dealer, investment advisor, or an affiliated person or employee of any of the foregoing; (3) involves embezzlement, fraudulent conversion, misappropriation of funds or securities, counterfeiting, gambling, or similar crimes; or (4) involves the violation of section 1341, 1342, 1343 of Title 18, United States Code; or

(ii) At the time of the application, is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction, or by agreement or settlement to which the Commission or the Securities and Exchange Commission is a party from acting as a commodity trading advisor, commodity pool operator, futures commission merchant, floor broker, associated person, securities broker, securities dealer, investment advisor, or as an affiliated person or employee of any of the foregoing, or from engaging in or continuing any con-

duct or practice in connection with any such activity or involving any transaction or advice concerning commodities or securities; or

(iii) Within ten years preceeding the filing of the application, has been found (1) to have willfully violated any provision of the Commodity Exchange Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, or any rule or regulation under any such statutes; (2) to have willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of such statutes or rules or regulations thereunder; or (3) to have failed reasonably to supervise, with a view to preventing violations of such statutes, rules or regulations, another person who commits such a violation, if such person is subject to his supervision. For the purposes of this clause (3) no person shall be deemed to have failed reasonably to supervise any person, if—

a. There have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

b. Such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

2. The Commission may refuse to register a person as a futures commission merchant, floor broker, or associated person if such person or any partner, officer, director, person performing a similar function, any controlling person or any holder of more than 10 per centum of the stock thereof is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, or suspending or revoking the registration of such person as a commodity trading advisor, commodity pool operator, futures commission merchant, floor broker, or associated person, or suspending or expelling such person from membership on any contract market.

This interpretation regarding "for other good cause shown" is not exclusive; i.e., there may be other instances for which the Commission, after opportunity for hearing, may determine to deny registration, such as where an applicant has been convicted of certain crimes of moral turpitude or where a quasi-governmental body has found that an applicant has committed material violations of its rules. On the other hand, in some instances the Commission may determine that a person is fit for registration even though that person has committed an act listed in this interpretation. However, the Commission feels that its interpretation of "for other good cause shown" is as specific as the Commission can be at this time. It should be noted that the crimes specified in the Commission's interpretation are the types of crimes that the Commission believes are appropriate grounds for refusal to register under sec-

tion 8a(2)(B)(i) of the Act. It should also be noted that although this interpretation was prepared for purposes of denial of registration, the Commission believes that it is also appropriate for purposes of suspension or revocation of registration. Members of the public should feel free to comment on the Commission's interpretation of section 8a(2), and, in particular, the "for other good cause shown" criteria found in section 8a(2)(B)(ii). Comments should be sent to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036.

Issued: June 30, 1975.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

[FR Doc.75-17363 Filed 7-2-75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### BOOKMATCHES

#### Extension of the Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is (1) to announce that the Consumer Product Safety Commission has accepted a proposal by the American Society for Testing and Materials (ASTM) to draft a document providing a more detailed rationale for each provision in the recommended standard for bookmatches submitted by ASTM on February 3, 1975, pursuant to section 7 of the Consumer Product Safety Act (CPSA); (2) to provide funds to ASTM under section 7(d) (2) of the Act (15 U.S.C. 2056(d) (2)), for the preparation of the document; and (3) to extend the period in which the Commission must publish a proposed consumer product safety rule or withdraw the notice of proceeding for bookmatches.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974 the Commission accepted the offer of ASTM to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the acceptance of the ASTM offer. On February 3, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

The Commission has determined that the recommended standard for bookmatches and supporting data submitted by ASTM constitute an adequate response to the notice of proceeding for bookmatches under section 7 of the CPSA in light of the limited period of time which was allowed for development of the recommended standard. However, the Commission believes that a more detailed discussion of the rationale for



each substantive provision of the standard is desirable for possible future rule-making for this product. Accordingly, on May 9, 1975 the Commission requested ASTM to submit a proposal regarding the amount of time and funds which would be necessary to prepare a more detailed written justification of the provisions of its recommended standard.

The Commission has accepted ASTM's proposal of May 15, 1975, as modified and resubmitted on May 28, 1975, which provides that on or before July 31, 1975, ASTM will present the Commission with a written, detailed justification for each provision of its recommended standard. Upon successful completion of this work, ASTM will be compensated up to \$24,600 for its administrative costs and the cost of meetings. All active participants in the development of the recommended standard will be consulted in the preparation of the final statement of justification.

In addition, the Commission has determined that further research is necessary to adequately address the risk of injury to children who play with or otherwise improperly use bookmatches. Accordingly, the Commission has directed the CPSC staff to develop a set of child-resistant characteristics for the cover for possible inclusion in a product safety standard for bookmatches.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after the publication in the *FEDERAL REGISTER* of a notice of proceeding to develop a consumer product safety standard, the Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210 day period for good cause, by publishing a notice of extension in the *FEDERAL REGISTER*. On April 17, 1975, the Commission extended the 210 day period until May 2, 1975.

The Commission finds that additional time is necessary for the detailed justification to be submitted by ASTM and evaluated by the Commission, and to afford the staff an adequate opportunity to formulate a requirement for child-resistant bookmatches. Accordingly, the Commission, for good cause shown, hereby extends until October 1, 1975, the time in which the Commission must either publish a proposed consumer product safety standard applicable to bookmatches or withdraw its notice of proceeding.

Dated: June 30, 1975.

SHELDON D. BUTTS,  
Assistant Secretary, Consumer  
Product Safety Commission.

[FR Doc. 75-17347 Filed 7-2-75; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from June 23 through June 27, 1975. The date of receipt for each state-

ment is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this *FEDERAL REGISTER* notice of availability. (August 18, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

#### DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3853.

#### FOREST SERVICE

##### Draft

Lakeview Unit, Land Use Plan, Kaniksu National Forest, Bonner County, Idaho, June 23: The proposal is to implement a land use plan for the Lakeview Planning Unit, Kaniksu National Forest. Approximately 63,060 acres are included in the planning unit, of which 57,120 acres are National Forest lands. This plan allocated resources and specifies land use prescriptions including management of high scenic quality, fisheries habitat recreation and wildlife habitat uses while providing timber, foliage and water uses. Unfavorable impacts include a reduced timber growth potential, alteration of the natural landscape in some areas, and reduced opportunities for solitude. Even with the proposed plan prescriptions there will be short-term reductions of quality. (ELR order No. 50902.)

Salmon River Wild and Scenic Rivers Proposal, several counties, Idaho, June 24: Proposed is the inclusion of 237 miles of the Salmon River in the National Wild and Scenic Rivers System. The segment under consideration runs from North Fork, Idaho, to its confluence with the Snake River through Nez Perce, Lewis, Idaho, and Lemhi Counties, Idaho. The purpose of the action is to control the impacts of development and increased recreation use within the river corridor. There are approximately 5,691 acres of private lands involving 150 owners within the proposed boundaries. (ELR order No. 50907.)

Middle Fork Boise River Unit, Boise National Forest, Elmore and Boise Counties, Idaho, June 27: The statement concerns the land use plan for the 329,100 acre Middle Fork Boise River Planning Unit of Boise National Forest. Resource uses and activities provided for in the plan will have short and long term effects on vegetation in the unit. Road, trail, and recreation and administrative facility development will remove some area from vegetative production. Grazing, timber harvest, road construction and dispersed recreation activities will also result in short term higher rates of erosion. Most wildlife species will be affected. (ELR order No. 50922.)

Oil and Gas Lease Applications, Flathead National Forest, Flathead County, Mont., June 23: The statement concerns oil and gas lease applications on 236,000 acres of National Forest lands in Flathead County, Montana. Recommended are the denial of leases on 53,323 acres, the granting of leases with surface occupancy on 11,954 acres, the granting of leases without surface occupancy on

53,727 acres, and the holding of leases in suspense on 16,996 acres. Disturbance to soil, water and vegetation will occur as well as social and economic impacts. (ELR order No. 50903.)

##### Final

Triangle Range Wetlands Exchange, Modoc National Forest, Modoc County, Calif., June 25: The statement concerns a proposed land exchange on the Modoc National Forest, California. Approximately 17,800 acres of privately owned land have been offered to the U.S. in exchange for an equal value or less of National Forest land, primarily timberland in the same forest and county. It is estimated that the National Forest land may comprise 1,800 acres. Adverse impacts are the loss of revenue to Modoc County, and short-term soil erosion and water sedimentation will occur. Comments made by: DOI, AHP, USDA, EPA, State and local agencies, organizations, groups, and individuals. (ELR order No. 50912.)

Timber Management, Modoc National Forest, Modoc, Siskiyou, and Lasseu Counties, Calif., June 26: The statement refers to the ten year (1975-1984) timber management plan for the Modoc National Forest. The plan proposes a total Potential Yield of 756.4 million board feet and an annual harvest of 62.6 mmbf. The plan also includes construction and reconstruction of roads for timber sales and general public use. Adverse impact includes slight degradation of air and water quality; and temporary aesthetic loss. (123 pages.) Comments made by: USDA, EPA, COE, State and local agencies, organizations, and individuals. (ELR order No. 50916.)

Grand Mesa—Uncompahgre Timber Management Plan, Colorado, June 23: The statement refers to the revision of the 1961 Timber Management Plan for the Grand Mesa—Uncompahgre N.F. in west central Colorado. The proposed application of silvicultural management on 45,000 acres of forest land will result in the harvest of 311,000 cunits of wood, including 152 million board feet of sawtimber. Adverse impacts reduction of wilderness character on inventoried roadless areas, and changes in the way the landscape looks. Comments made by: EPA, USDA, State agencies, and individuals. (ELR order No. 50894.)

Hiwassee Unit, Cherokee National Forest, McMinn, Polk, and Monroe Counties, Tenn., June 25: The statement considers a 10 year management plan for the 39,023 acre unit. The plan involves recreational use of the forest, planning for fish and wildlife enhancement, and the harvesting of timber. Road construction in the unit will become necessary. Comments made by: DOI, EPA, TVA, and State agencies. (ELR order No. 50911.)

#### SOIL CONSERVATION SERVICE

##### Draft

Sedgwick-Sand Draws Watershed Project, Nebraska and Colorado, June 26: The objective of the project is to reduce floodwater, erosion, and sediment damages to agricultural lands, crops, irrigation systems, wildlife habitat, roads, railroad, and farmsteads in Sedgwick County, Colorado and Cheyenne and Deuel Counties, Nebraska. Adverse impacts include the loss of 361 acres to structural measures, the subjection of 272 acres behind the structures to sedimentation, and construction disruption. (ELR order No. 50917.)

Red Deer Creek Watershed Project, Gray Roberts, and Hemphill Counties, Tex., June 26: Proposed is a watershed project that includes land treatment measures on about 39,010 acres of grassland and cropland and the installation of 20 floodwater



retarding structures to be constructed during a 10-year period. The project will require changed land use on 466 acres of land, will occasionally interrupt use on 2,079 acres of land, and will destroy 17 archeological sites and require precautionary action to prevent destruction of 8 additional archeological sites. (ELR order No. 50919.)

## DEPARTMENT OF DEFENSE

## ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6861.

*Draft*

Beargrass Creek Basin, Jefferson County, Ky., June 23: The statement concerns a plan for flood control in the area of Louisville, Kentucky. The plan provides for a 55 acre dry-bed reservoir located at mile 13.2 on South Fork of Beargrass Creek. The reservoir would have a flood control storage capacity of 735 acre-feet at spillway elevation 574 feet msl. Some 10 acres required for construction of 45 acres would be left in their existing condition. Maximum retention time which can be tolerated by the trees in the dry-bed reservoir is estimated at 2 to 3 days. (Louisville District.) (ELR order No. 50897.)

GATX Corp. Terminal Facility, Delaware River, Gloucester County, N.J., June 23: The General American Transportation Corporation (GATX) has proposed to construct a terminal for the storage and transfer for the storage and transfer of bulk petroleum products on a 400+ acre tract in West Deptford, New Jersey. Plans include construction of a tanker and barge docking facility, a tank farm site, a maintenance building, and an office. The initial utilization of tank storage will be for #2 fuel oil, naphtha, and methanol. Dredging will result in a temporary increase in turbidity, evaporation losses of product will add to air pollution, and there will be some increase in the chance of a chemical or oil spill into the Delaware. (Philadelphia District.) (ELR order number 50901.)

Albany Lake, Island Bayou, Bryan County, Okla., June 23: Proposed is the construction and operation of Albany Lake project at river mile 6.5 on Island Bayou for purposes of flood control, water supply, and recreation. The project consists of an earthfill embankment, outlet works, uncontrolled spillway, access roads, and project buildings. The lake will permanently inundate 4,960 acres while a periodic inundation of 1,850 additional acres is possible during flooding. Archeological sites in the lake area will be adversely affected. (Tulsa District.) (ELR order No. 50896.)

Lukfata Lake, Glover Creek, McCurtain County, Okla., June 26: Proposed is the construction, operation, and maintenance of the Lukfata Lake project for water supply, flood control, and recreation. The project will be formed by construction of a rockfill dam, and outlet works consisting of a controlled intake gate tower structure, an ungated spillway, selective clearing in the lake area, and construction of project buildings, access roads, and two primitive public use areas. The conservation pool will inundate 8.2 miles of the mainstem of Glover Creek and 1,680 acres of land. An additional 4,420 acres will be subject to flooding during flood control operations. (ELR order No. 50918.)

Aquatic Plant Control Program, S.C., June 23: The statement concerns the control of alligatorweed in public waters of South Carolina, excluding the Santee-Cooper Lakes, through the application of 2,4-D herbicide

and the introduction of exotic insects. Infested areas are sprayed during the summer months as needed to control weed growth. The herbicide program may damage non-target plants and contribute to the degradation of water quality. (Charleston District.) (ELR order No. 50898.)

Anahuac Channel and Channel to Liberty, Dredging, Chambers and Liberty Counties, Tex., June 25: The statement concerns the maintenance dredging of Anahuac Channel and the Channel to Liberty on the Trinity River for purposes of continued safe navigation. The dredging will be accomplished by hydraulic pipeline dredge, and dredged materials will be placed in the open waters of Trinity Bay and in land disposal areas. Possible eventual emergence of open water disposal areas will eliminate about 156 acres of shallow water habitat. Dredging will also disrupt the benthic habitat of the area. (Galveston District.) (ELR order No. 50913.)

Wicomico River (East) O&M Dredging, Wicomico County, Md., June 23: The project provides for maintenance of a channel 14 feet deep and 150 feet deep from Chesapeake Bay to Salisbury, Maryland, including a channel with a turning basin in the north prong and a 60-foot wide channel 6 feet deep from deep water in the river to Webster Cove with a T-shaped basin in the cove. Dredged material, with some exceptions, will be placed in upland diked disposal areas. Project dredging will remove or destroy benthic organisms such as oysters and clams and will temporarily increase turbidity, sediment load, and biochemical oxygen demand while decreasing available dissolved oxygen. (Baltimore District.) (ELR order No. 50895.)

*Final*

Columbia and Lower Willamette Rivers, Oreg., June 23: The project involves the dredging of a 40 foot deep turning basin at Astoria, Oregon, which would be quadrilateral in shape, 4,200 feet long on the side adjacent to the existing 40 foot navigation channel. Adverse impacts include temporary turbidity and loss of some benthic organisms. (Portland District.) Comments made by: EPA, DOC, DOI, HUD, USCG, FPC, State agencies, and citizen groups. (ELR order No. 50899.)

## NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

*Draft*

Sanguine System, R & D (Supplement), June 23: The statement is a supplement to a final eis concerning the Design Validation Phase of the Sanguine System. The statement includes experimental data on the effects of low-frequency, nonionizing signals used for communication with nuclear submarines. (ELR order No. 50904.)

## ENERGY RESOURCES DEVELOPMENT ADMIN.

Contact: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, ERDA, Washington, D.C. 20545, (301) 973-4241.

*Draft*

Expansion of U.S. Uranium Enrichment Capacity, June 30: The statement concerns a program to provide facilities for "enriching" uranium to fuel nuclear reactors. Adverse impacts include commitment of land for onsite development and transmission lines; low level environmental releases of radiation; consumption of at least 570 billion gallons of water from the present until the year 2000; and damage to biota, vegetation, and air quality. (ELR order No. 50925.)

Underground Nuclear Testing Program (Supplement), Nevada, June 27: The statement is a supplement to a final eis prepared to evaluate the underground nuclear test program for tests and preparations for tests of one megaton or less at the Nevada Test Site during Fiscal Year 1976. Impacts of the tests include subsidence craters and underground pockets of intense radioactivity on-site and the initiation of ground motion that may be felt offsite. There also remains the risk of substantial offsite release. (ELR order No. 50920.)

## ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Water-side Mall, Washington, D.C. 20460, (202) 755-0940.

*Draft*

The Oaks Wastewater Treatment Facilities Expansion, Montgomery County, Pa., June 24: The proposed action involves Federal financial assistance for the expansion of a 2 million gallon per day (mgd) wastewater treatment facility to a capacity of 10 mgd. The action also includes the expansion of the associated sewage collection system. Efforts of EPA Region III to mitigate long-term secondary adverse impacts on land use, socioeconomic parameters, and air and water quality are included in the statement. (ELR order No. 50908.)

*Final*

Auburn Interceptor (Green River Sewerage Area), King County, Wash., June 25: The statement concerns the award of grant funds to the Municipality of Metropolitan Seattle to construct an interceptor sewer line to service the Green River Sewerage Area. The project would result in the elimination of discharge of inadequately treated wastewaters to the Green River. The construction corridor passes through a permanent wetland thus necessitating summer construction. Adverse impacts include possible degradation of water quality in the Duwamish estuary and secondary effects from stimulated urban growth. Comments made by: DOT, AHP, USDA, and COE. (ELR order No. 50909.)

## DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, (202) 963-4456.

*Draft*

U.S. Navy Aqueduct, Florida Keys (2), Dade and Monroe Counties, Fla., June 27: The statement is a revised draft of a draft eis that was received by CEQ 9 June 1975. Proposed is the change in ownership and operational responsibility of the facilities that supply most of the fresh water to the Florida Keys from the U.S. Navy to the Florida Keys Aqueduct Authority. Since available water supply is a limiting factor on population growth in the Keys, the expansion of the facilities will tend to increase the population and subsequently increase taxes for the residents. (ELR order No. 50923.)

## DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240.

*Draft*

Northern Gulf of Alaska Oil and Gas Leasing, June 27: The statement concerns a proposed oil and gas lease sale of 1.8 million acres of OCS lands located in the northern



Gulf of Alaska. Adverse environmental impacts include accidental and/or chronic oil spills, pipeline and onshore facility construction, offshore terminal/platform construction and the dumping of drill cuttings. (ELR order No. 50924.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-4357.

#### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

California 89, Alpine County, Calif., June 23: The statement concerns the construction of a 5.9 mile segment of a two-lane expressway between Markleeville and Woodfords, California. One hundred and sixty acres of land have been purchased and one business and two families displaced. The project will necessitate a 500-foot channel change along Millberry Creek that will temporarily disrupt fish habitat. (ELR order No. 50900.)

Iowa 2—Bedford Bypass, Taylor County, Iowa, June 27: Proposed is the construction of a bypass of the city of Bedford presently served by Iowa 2 which passes through the city. The project begins just west of the intersection of Pollock Boulevard and Madison Street in Bedford and extends easterly and southeasterly to existing Iowa 2, a length of approximately 1.9 miles. The project will displace one family and will divert approximately 31 acres from agriculture use to highway use. (ELR order No. 50921.)

U.S. 93, Polson to Kalispell, Lake County, Mont., June 23: The projects covered by this eis will involve the reconstruction of approximately 13.0 miles of U.S. 93 on the west side of Flathead Lake between Polson and Kalispell. Further subdivision in the project area may occur as a result of the improved access. Also, the land that has already been subdivided may become more appealing to the public and easier to sell. The project will displace families and businesses. (100 pages.) (ELR order No. 50910.)

I-80, Pershing County, Nev., June 24: The proposed action is the design and construction of a 14.8 mile section of Interstate Route 80 which lies between a point 5.5 miles southwest of Lovelock to a point 8 miles northeast of Lovelock. This section removes thru-traffic from existing U.S. 40 and the downtown Lovelock area. The roadway will require 558 acres of privately held land for right-of-way and will displace one business and from 60 to 70 people. (177 pages.) (ELR order No. 50906.)

I-88 Binghamton to the Capital District, several counties, New York, June 23: The eis considers two actions: the construction of I-88, Susquehanna Expressway between Sanataria Springs, Broome County, to the Broome County/Chenango County line east of Harpursville, and I-88, the Oneonta Bypass; and the comprehensive plan for construction of I-88 between the Binghamton Metropolitan area and the Capital District, Albany. Land acquisition and family and business displacements have already been accomplished, and three 4(f) statements are included in the eis. (ELR order No. 50905.)

##### Final

SR 95, Blount and Loudon Counties, Tenn., June 25: The proposed action is the construction of approximately 8 miles of SR 95 in Blount and Loudon Counties, Tennessee. The highway will be a four-lane facility on new location. Adverse impacts are the use of 250 acres for right-of-way, displacement of 1 family, increased noise and dust during construction, and possible attraction of un-

slightly strip development. (123 pages.) Comments made by: HUD, DOI, USDA, DOT, TVA, HEW, EPA, AHP, State agencies, and private organizations. (ELR Order No. 0914.)

SR 1 Bypass, Madison Counties, Tenn., June 25: Proposed is the construction of State Route 1 from the Jackson Bypass to State Route 1 (U.S. 70) east of Jackson. The project length is 6.21 miles. The primary adverse impact is the displacement of businesses and families. The project will also cause the loss of natural resources as a result of increased land demands for highway right-of-way and the introduction of noise and air pollution into an area relatively free from the pollutants. Comments made by: HUD, DOI, DOT, TVA, OOE, HEW, EPA, State and local agencies. (ELR order No. 50915.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc.75-17379 Filed 7-2-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 393-2;OPP-33000/275 & 276]

### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before September 2, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period

has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 2, 1975.

Dated: June 24, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

#### APPLICATIONS RECEIVED (OPP-33000/275)

EPA File Symbol 5667-0I. Barrett Chemical Co., "H" and Luzerne Sts., Philadelphia PA 19124. BARRETT'S CLEANER CONCENTRATE #17. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5667-00. Barrett Chemical Co., "H" and Luzerne Sts., Philadelphia PA 19124. BARRETT'S CLEANER CONCENTRATE #18. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4-EUO. Bonide Chemical Co., 2 Wurz Ave., Yorkville NY 13495. FRUIT, NUT AND VEGETABLE FUNGICIDE. Active Ingredients: 4,6-Dichloro-N-(2-chlorophenyl)-1, 3,5-triazin-2-amine 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11868-E. Brown Janitor Supply Co., 2812 Asher Ave., Little Rock AR 72204. WINSTON PINE ODOR DISINFECTANT COEF. 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 11868-G. Brown Janitor Supply Co. WINSTON PINE ODOR DISINFECTANT COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 11868-R. Brown Janitor Supply Co. WINSTON LEMON ODOR DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11868-U. Brown Janitor Supply Co. WINSTON LEMON ODOR DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 1459-LL. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. BULLEN VEGETATION KILLER. Active ingredients: Prometon; 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25



EPA File Symbol 13648-A. Glidden-Durkee Div., SCM Corp., PO Box 389, Jacksonville FL 32201. GLIDCO PINE OIL-S. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36480-E. Macco, PO Box 598, Middletown OH 45042. DIURON 80 WP. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-Dimethylurea] 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 9556-EU. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX LIQUID WINTERIZER 10. Active Ingredients: Copper Sulphate Anhydrous 6.93%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 3573-UG. Procter & Gamble Co., PO Box 599, Cincinnati OH 45202. OFF-SHOOT-M. Active Ingredients: Potassium salt of 1,2-dihydro-3,6-pyridazine-dione 21.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 6720-ELI. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP GENERAL PURPOSE HOUSEHOLD SPRAY #10. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 148-REEE. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DE-FEND TECHNICAL. Active Ingredients: Dimethoate; 0,0-Dimethyl-S-[(methylcarbamoyl) methyl] phosphorodithioate 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 148-REEG. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. 2,4,5-T ACID. Active Ingredients: 2,4,5-Trichlorophenoxyacetic acid 98%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1783-TL. Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206. CRESOTE OIL TECHNICAL WOOD PRESERVATIVE. Active Ingredients: Coal Tar Creosote 98.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1783-TA. Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206. CREOSOTE OIL COMPOUND. Active Ingredients: Creosote Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

#### APPLICATIONS RECEIVED (OPP-33000/276)

EPA File Symbol 1022-UIO. Chapman Chemical Co., 416 E. Brooks Rd., PO Box 9158, Mallory Station, Memphis TN 38109. PQ-56 CONTROLS FUNGUS, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022-UOE. Chapman Chemical Co. PQ-20 CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 3.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022-UOG. Chapman Chemical Co. PQ-15 WATER REPELLENT CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 1.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022-UON. Chapman Chemical Co. PQ-57 CONTROLS FUNGUS, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022-UOR. Chapman Chemical Co. PQ-15 R-T-U WATER REPELLENT CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 279-391. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. KOLODUST XTRA DUST OR SPRAY. Active Ingredients: Sulfur 53.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 1812-215. Parramore & Griffin, PO Box 188, Valdosta GA 31601. SUL-CO-FLO. Active Ingredients: Sulfur 50.0%; Copper 4.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM22

EPA File Symbol 432-LUE. S. B. Penick & Co., A Unit of CPC International Inc., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07052. SBP-1382/B7OAL-LETHRIN (.20% + .40%) AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34901-E. Smith Distributors, 2742 Shadowdale, Houston TX 77043. SPRAY-CHEM DO IT YOURSELF EXTERMINATOR. Active Ingredients: Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 10.75%; 2,2-dichlorovinyl dimethyl phosphate 5.47%; Related Compounds 0.41%; Chlordane Technical 11.52%; Aromatic Petroleum Derivative Solvent 51.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 6720-78. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP SEVIN 5% DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 11474-RI. Sungro Chemicals Inc., PO Box 24632, Los Angeles CA 90024. BATTLE. Active Ingredients: Chlordane Technical 21%; Aromatic Petroleum Derivative Solvents 63.1%; Malathion 10.29%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 21270-RG. E. Targosz & Co., 736 Estes, Schaumburg IL 60172. LIQUID GERMICIDAL CLEANER. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium metasilicate anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 7992-RO. TNT Chemicals, Inc., 7301 NW 77th St., Miami FL 33166. TNT INSECT KILLER. Active Ingredients: Pyrethrins 0.04%; Technical piperonyl butoxide 0.10%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Petroleum distillates 99.23%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 9386-RR. Vinings Chemical Co., Atlanta GA 30339. AMA 30. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium ethylene bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.75-16987 Filed 7-2-75; 8:45 am]

[FRL 394-3]

#### SOUTH CAROLINA

#### Approval of the State Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of South Carolina's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On December 31, 1974, South Carolina submitted a program for carrying out the NPDES. On March 5, 1975, and April 23, 1975, EPA conducted a public hearing on the proposed approval in Columbia, South Carolina. Prior to the end of the statutory 90 day period, South Carolina requested an extension of time because its NPDES legislation had not yet been fully approved. That legislation was subsequently approved. After a thorough review of the South Carolina program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor James B. Edwards in a letter dated June 10, 1975.

As of June 11, 1975, the South Carolina NPDES permit program is being administered by the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South



Carolina, 29201 (telephone (803) 758-5445). Dr. E. Kenneth Aycock is the Commissioner of the South Carolina Department of Health and Environmental Control. The South Carolina program is being administered in accordance with South Carolina statutes and regulations and a Memorandum of Agreement between South Carolina and the EPA Region IV Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (telephone (404) 526-5727). All pertinent documents are available for inspection at the South Carolina State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: June 27, 1975.

ROBERT L. BAUM,  
*Acting Assistant Administrator  
for Enforcement.*

[FR Doc.75-17296 Filed 7-2-75;8:45 am]

[FRL 388-8]

### STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

#### Certification of Establishment

This notice announces the establishment of the State-Federal Water Programs Advisory Committee which has been determined to be in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The scope of the Committee is limited to providing advice and recommendations regarding the impact on State programs of EPA actions under the Federal Water Pollution Control Act (FWPCA), as amended, (Pub. L. 92-500). The membership will consist of ten representatives of State water pollution control agencies and the Administrator, EPA, or his designee, who will serve as Chairman.

The Committee will provide advice and information to EPA regarding the impact on State planning, management, and regulatory programs of the Agency's plans and strategies for implementation of key provisions of the FWPCA. This advice and information will assist the Agency in ensuring the coordination of Federal and State water pollution control programs. Activities of the Committee will extend across the entire range of the Agency's duties and responsibilities under the FWPCA.

Copies of the Committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated: June 27, 1975.

JOHN QUARLES,  
*Acting Administrator.*

[FR Doc.75-17297 Filed 7-2-75;8:45 am]

[OPP-42003; FRL 394-7]

### IOWA

#### Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a) (2) of the Federal Insecti-

cide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Robert D. Ray, Governor of the State of Iowa, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations.

Notice is hereby given of the intention of the Regional Administrator, EPA Region VII, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

Fifth Floor, East 7th and Court, Des Moines, Iowa 50319 (Pesticide Control Section, Laboratory Division, Iowa Department of Agriculture, tel. (515) 281-5861).  
Room 116, 1735 Baltimore Ave., Kansas City, Missouri 64108 (Pesticide Programs Branch, Air & Hazardous Materials Division, EPA Region VII, tel. (816) 374-3036).  
Room 401, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854).

#### SUMMARY OF IOWA STATE PLAN

The Iowa Department of Agriculture has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities, licensing of pesticide dealers, and the coordination of field, laboratory, and office activities relating to pesticide regulation.

Cooperating agencies include the Iowa Department of Environmental Quality (Chemical Technology Commission and Land Quality Management Division), and Iowa State University (Cooperative Extension Service).

The Chemical Technology Commission is responsible for collecting, analyzing, and interpreting information relating to agricultural chemicals and their use; coordinating the regulation and information responsibilities of State agencies on agricultural chemicals; specifying conditions under which containers of pesticides may be transported, stored or disposed; and approving all rules promulgated by the Department of Agriculture under Chapter 206, Iowa Pesticide Act. The Land Quality Management Division is concerned with pesticide accidents and regulation of pesticide transport, storage, and disposal.

The State Cooperative Extension Service has overall responsibility for the Statewide pesticide applicator certification training program, including preparing and conducting the training courses, preparing training materials and examinations, and distributing training manuals and other materials.

Legal authority for the program is contained in the Pesticide Act of Iowa (Chapter 206, Pesticides, Code of Iowa 1975); Department of Agriculture General Provisions (Chapter 189, Code of Iowa 1975); Administrative Procedures

Act (Chapter 17A, Code of Iowa 1975); Department of Environmental Quality, Division V, Chemical Technology Commission (Chapter 455B, Code of Iowa 1975); Pesticide Act Rules (Chapter 9, 1963); Agricultural Chemicals Rules (Chapter 35); and four rules (nos. 1-4) proposed under §§ 206.5, and 206.19-21 of the Pesticides Act of Iowa.

The plan indicates that the State lead agency and cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The State funding in support of this program for fiscal year 1976 is \$321,270.16.

The State estimated that 7,000 commercial applicators and 15,000 to 75,000 private applicators may need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, to be presented to dealers at the time of restricted use pesticide purchase. All pesticides classified by EPA for restricted use will also be classified restricted by Iowa.

The State lead agency will submit an annual report to EPA on July 1 of each year and special reports to meet specific needs.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators, with subcategories equivalent to each appropriate EPA major category in 40 CFR 171.3 (e.g., Aerial-Forest Pest Control). Other subcategories proposed are as follows:

1. Agricultural Pest Control.
  - A. Agricultural Weed Control.
  - B. Agricultural Insect Control.
  - C. Agricultural Fungus Control.
  - D. Fruit and Vegetable Pest Control.
  - E. Animal Pest Control.
7. Industrial, Institutional, Structural, and Health Related Pest Control.
  - A. General and Household Pest Control.
  - B. Termite control.
  - C. Food Industry Pest Control.
  - D. Community Insect Control.

The State of Iowa plans to certify commercial applicators by means of two written examinations, one covering the general or "core" material [40 CFR 171.4 (b) and 171.6], and the other, the specific requirements of the category or subcategory [40 CFR 171.4(c)]. Training sessions for commercial applicators covering the Federal Standards (40 CFR 171.4 and 171.6) will be conducted by the Cooperative Extension Service (CES). These standards are set forth in detail in the EPA Core Manual (as modified to reflect conditions found in Iowa), and in specific category/subcategory training materials prepared by the Iowa CES. These courses will be offered in all areas of the State, with Extension Specialists from Iowa State University and Area Crop Specialists from each CES area. Commercial applicators must be certified to use both general and restricted use pesticides. Individuals currently licensed (since 1964) will be required to be examined and certified under and as outlined in this plan.

Training of private applicators will be done with the EPA Private Applicator (Core) Manual, in connection with



training sessions to be held in each of the 99 counties, conducted by County Extension Directors. A written examination will be given private applicators following the training. These examinations will be offered at designated locations in each county.

For the small percentage of applicators who cannot read or write, CES will offer special instruction and the Iowa Department of Agriculture will give them oral examinations. Certification will be limited to the pesticide products for which the private applicator has demonstrated competency.

While training is not mandatory, all commercial and private applicators will be strongly encouraged to attend the sessions. Sample examinations and review questions are attached to the plan, as provided by 40 CFR 171.7(e) (1) (i) (D) and (ii) (C).

Pesticide short courses will be conducted annually by the Iowa State University CES to assist pesticide applicators in improving their knowledge and skills in handling and applying pesticides. Each commercial and private applicator will be reexamined to update his certification every third year.

Reciprocal agreements may be made with any other States which have substantially the same standards. Any such agreements will be submitted as amendments to Iowa's State plan.

Other regulatory activities listed in the State plan which will supplement the Iowa certification program are sampling, registration, and confiscation of pesticide products. All pesticide dealers are required to be licensed by the State. All commercial or public government entities also require licensing, and commercial or public applicator certification is contingent upon this.

Field personnel will monitor sales and distribution records of pesticide dealers, check pesticide applicators' use and application records, and spot check commercial and private applicators to insure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow up reports of suspected violations. An increase of four positions to supplement the certification effort has been requested for the fiscal year 1976.

#### PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State plan for the State of Iowa to Regional Administrator, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108. The comments must be received on or before August 4, 1975, and should bear the identifying notation [OPP-42003]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated June 27, 1975.

JEROME H. SVORE,  
Regional Administrator, U.S.  
Environmental Protection  
Agency, Region VII.

[FR Doc.75-17427 Filed 7-2-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660 RM-690; FCC 75-723]

### INTERNATIONAL RECORD CARRIERS

#### Memorandum Opinion and Order Terminating Hearing

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. We have before us for consideration settlement agreements filed with the Commission on April 16, 1975 which were entered into between Western Union Telegraph Company (Western Union), on the one hand, and the several international record carriers (IRC's),<sup>1</sup> on the other hand, pertaining to the modification of landline haul divisions as specified in the agreements. We also have before us various petitions or comments requesting that we approve the settlement agreements and terminate the hearings in the above-captioned proceeding insofar as it relates to the determination of landline haul divisions.<sup>2</sup> A copy of one of the settlement agreements (all agreements are identical), is attached hereto and incorporated as part of this memorandum opinion and order (See Appendix). Before setting forth our conclusions we shall summarize briefly the events leading to those proposed settlement agreements.

2. On July 23, 1970, Western Union filed a complaint and petition that this Commission order an increase in the per word charges for the landline haul of full-rate messages from 6.5 cents to 13 cents per word and from 3.25 cents to 6 cents for letter telegrams with proportionate increases for other classes.<sup>3</sup> On December 13, 1972 we issued a notice of inquiry and proposed rulemaking in Docket No. 19660, 38 FCC 2d 543, instituting a broad inquiry into the appropriate relationships between Western Union and the IRCs with respect to the domestic handling of international record traffic and encompassing various applications and tariff filings of the IRC's as well as Western Union's complaint and petition for increased landline haul divisions. On May 17, 1973, Western Union filed an Amended Complaint and Petition and Motion for Interim Relief requesting that we grant, without hearing, an interim increase in the per word charges for landline haul of full-rate messages from 6.5 cents to 11.5 cents per word and from 3.25 cents to 5.75 cents per word for letter telegrams with proportionate increases in other classes.

<sup>1</sup> ITT World Communications, Inc. (ITT Worldcom), RCA Global Communications, Inc. (RCA Globcom), TRT Telecommunications, Inc. (TRT), Western Union International, Inc. (WUI), French Telegraph Cable Company (FTCC) and United States-Liberia Radio Corporation (USLRC).

<sup>2</sup> Such Petitions or Comments were filed by Western Union, ITT Worldcom, TRT, WUI, FTCC, RCA Globcom, USLRC and the Trial Staff of the Chief, Common Carrier Bureau.

<sup>3</sup> The present landline haul divisions were prescribed by the Commission on April 6, 1966 (3 FCC 2d 314).

3. After oral argument on Western Union's request for interim relief on October 1, 1973 we concluded in our memorandum opinion and order released October 30, 1973, 43 FCC 2d 661, that the record before us would not support a grant of Western Union's request. However, we determined that the appropriate course for us to follow was to set for expedited hearing the entire matter of Western Union's request for increase in landline haul charges. By further memorandum opinion and order released on November 26, 1973, 43 FCC 2d 1171, we designated issues for such expedited hearing and determined that the hearing should be held in two phases. In phase one of the hearing evidence was to be taken on Western Union's revenues, expenses and investment relating to the landline handling of international telegraph messages. After the conclusion of this phase the Presiding Administrative Law Judge was to issue an interim decision on the need, if any, for increased divisions. If increased divisions were found warranted, hearings were to continue to the second phase to consider the impact of any such increases on the revenues, rates of return and traffic volumes of the IRC's. We also stated that no increases in divisions of charges if found to be warranted, would be prescribed prior to final action on all the designated issues, unless otherwise ordered by the Commission on good cause shown. Various procedural matters delayed the start of hearings until December 16, 1974.<sup>4</sup> After 19 days of hearing, further hearings were postponed by the Administrative Law Judge, order issued February 18, 1975, FCC 75M-320, to permit the Commission to consider the subject settlement agreements.

4. The terms of the respective settlement agreements entered into between Western Union and the several IRC's are identical.<sup>5</sup> Briefly stated, the IRC's have agreed to an increase in the landline haul divisions, for traffic exchanged between them and Western Union, from 6.5 cents to 9.5 cents per word for full rate messages and from 3.25 cents to 4.75 cents per word for letter telegrams with proportionate increases for other classes (see Attachment A to Settlement Agreement). These increased divisions will be applicable to international telegraph message traffic exchanged between the IRC's and Western Union retroactive to March 1, 1975. Western Union has agreed to a moratorium on any further increases in landline haul divisions which would become effective prior to January 1, 1978. Western Union has also agreed to file amendments to its Telex tariff, Western Union Tariff F.C.C. No. 240, to permit the IRC's to deliver inbound international telegrams to telex customers located outside the gateway cities by dialing the customer's station directly as an alternative to the TCS method of delivery now provided for in Western Union's tariff (See Article III and Attachment B of Settlement Agreement). Western Union filed this tariff

<sup>4</sup> In this connection, see 46 FCC 2d 698 and 48 FCC 2d 803.



amendment on April 23, 1975, Transmittal No. 7078, which became effective on April 25, 1975.<sup>5</sup> The tariff amendment bears an expiration date of July 25, 1975 and should the Commission approve the settlement agreements Western Union states that the expiration date will be deleted. In such case, Western Union also agrees to make no subsequent tariff filing prior to January 1, 1978 which would reimpose the requirement that direct access delivery of inbound international telegrams to Telex subscribers outside of the respective gateway cities of the international carriers must be effectuated via TCS-Telex on a collect basis or otherwise prohibit the use of prepaid Telex service for this purpose.

5. Upon careful consideration of the settlement agreements entered into by Western Union with the several IRC's and the petitions and comments filed by Western Union, the IRC's and the Trial Staff we conclude for the reasons to follow that the public interest will be served by our approving the landline haul divisions as agreed to by the parties and terminating the hearing in Docket No. 19660 insofar as it relates to a determination of landline haul divisions between Western Union and the IRC's. The settlement agreements moot one of the major issues existing between Western Union and the IRC's in Docket No. 19660 thereby affording the parties and our staff the opportunity to devote their resources to an expeditious resolution of the remaining issues in Docket No. 19660. With respect to the impact of the settlement agreements on the public the agreements themselves do not purport to pass on to the public any portion of the increase in landline haul divisions. Of course, any subsequent rate increase in international public message service which might attempt to pass on the increased divisions to the public would have to be justified on its own merits under applicable provisions of the Communications Act. Moreover, we note that the public, in this case, customers of Western Union's other services, will not be called upon by Western Union to absorb any earnings deficiency which may allegedly be attributable to Western Union's domestic handling of international record traffic. In this connection, Western Union states that during the

period covered by the agreements it " \* \* \* will not seek increases in its rates for its domestic Public Message Service or its other services in excess of the revenue requirements of those services in order to recoup any earnings deficiencies in the provision of International Public Message Service" (Western Union Petition, p. 10). Present landline haul divisions are at levels established in 1966,<sup>7</sup> which must be revised if the modifications agreed to by Western Union and the IRC's are to be implemented. Our authority to order changes in the sums received by Western Union for landline handling of international record traffic is governed by sections 201 and 222 (with respect to outbound traffic) of the Communications Act. Section 201 requires an opportunity for hearing and section 222 requires a hearing where the interested carriers are unable to agree. The settlements agreements, and the petitions and comments requesting approval of the agreed to landline haul divisions and termination of the hearing in Docket No. 19660 insofar as it relates to the determination of landline haul divisions, constitute a waiver by Western Union and the several IRC's of any right to hearing they may have under sections 201 and 222 of the Communications Act. We find that the proposed landline haul divisions are not unjust, unreasonable, or less equitable than the presently effective landline haul divisions. Having found that the public interest will be served, it is appropriate that we issue the order set forth in paragraph 13 below modifying the landline haul divisions as agreed to by Western Union and the several IRC's.

6. Although we are approving the landline haul divisions as agreed to by Western Union and the IRC's we cannot accept language in two articles of the settlement agreements on public policy grounds. We cannot accept Article II to the extent it requires Western Union to surrender its right, under section 222 and other applicable provisions of the Act, to seek modification of landline haul divisions for a certain time period in the future.<sup>8</sup> Similarly, we cannot accept the last sentence in the second paragraph in Article III (see pp. 4-5 of Settlement Agreement) as it requires Western Union to surrender until January 1, 1978 its right to amend in certain respects its

Telex tariff.<sup>9</sup> Realization of our statutory and public interest obligations is to a large extent dependent on the public, common carriers as well as their customers, bringing to our attention via tariff filings, complaints or other appropriate means matters which may affect the public interest. Such provisions in settlement agreements restrict the Commission's ability to have brought before it facts which allow it to fulfill its statutory obligations and are therefore contrary to public policy.

7. Nevertheless, where the Commission has approved charges, such as here, orderly procedure requires that the status quo be maintained for a reasonable period, in the absence of changed circumstances substantially affecting the public interest. Thus, we would expect that no action would be taken by any interested carrier seeking modification of the landline haul divisions or modification of WU's telex tariff in pertinent respects, prior to January 1, 1978 unless such petition or tariff filing were supported by a strong showing of good cause, including a showing that the public interest requires such modification. In other words, while we cannot accept the provisions in the settlement agreements which would absolutely preclude WU from seeking future relief for any reason whatsoever, we think that any request for relief prior to January, 1978 should be filed only in circumstances having a direct and substantial bearing on service to the public.

8. The IRC's will not be prejudiced by our nonacceptance of the aforementioned provisions of the settlement agreements. As a practical matter, in view of the substantial resources, time and expense all parties including Western Union have devoted to the matters involved in this settlement agreement and in view of the good faith demonstrated by the parties in seeking to settle their differences, we believe it is unlikely that Western Union will take any action relating to landline haul divisions or direct access under its Telex tariff in the immediate future inconsistent with the expectations of the IRC's. Certain representations made by Western Union in its Petition herein support this view.<sup>10</sup> Moreover, any such Western Union action would have to be justified under the requirements set forth in paragraph 7 above. Finally, in any event, the IRC's are fully protected because they have the right where appropriate to challenge the lawfulness of any subsequent Western Union action under applicable provisions

<sup>5</sup> The prior settlement agreements entered into by Western Union with ITT Worldcom and TRT, respectively, have been superseded by the agreements now before us since ITT Worldcom and TRT have signed new agreements with Western Union pursuant to the "most favored customer" provision of their original agreements. Accordingly, the joint petition to approve settlement agreement, filed January 23, 1975 by Western Union and ITT Worldcom, and the petition to approve settlement agreement, filed February 6, 1975 by Western Union, are now moot.

<sup>6</sup> Special Permission No. 7617 dated April 22, 1975 by the Chief, Common Carrier Bureau granted Western Union permission to file the tariff amendment on not less than one day's notice but without prejudice to any action by the Commission on Western Union's petition herein.

<sup>7</sup> Supra., n. 3.

<sup>8</sup> The language we find objectionable is " \* \* \* and Western Union agrees not to claim or seek any further increases in such divisions of charges to be effective prior to January 1, 1978." (See Article III, p. 3 of settlement Agreement). In view of our approval under section 222 of the Act of the landline haul divisions proposed by the parties, Western Union's acceptance of such divisions for whatever period they may be effective must necessarily be in full and complete satisfaction of any and all obligations of the IRC's for the payment to Western Union of the divisions of charges for landline handling of international telegraph traffic. Therefore, the remaining language of Article II only states what would be the case in any event and is not objectionable.

<sup>9</sup> A carrier's authority to amend its tariff is subject, of course, to applicable provisions of the Communications Act and the Commission's Rules as well as being subject to prescription orders of the Commission, e.g., see *In re AT&T Charges for Interstate Telephone Service*, AT&T Transmittal No. 12241, Docket No. 20376, 51 FCC 2d 619, 625-26 (1975), appeal pending, *AT&T v. F.C.C.* Case No. 75-4046 (2nd Cir. 1975). Our action herein is not to be construed as commenting one way or the other on the merits of the tariff amendment in question.



of the Communications Act and Commission rules, and its compliance with the requirements set forth herein.

9. As noted above Western Union has amended its Telex Tariff F.C.C. No. 240 to permit the IRC's to deliver inbound international telegrams to Telex customers outside the gateway cities by dialing the customer's station directly as an alternative to the TCS-Telex collect method of delivery now provided for in Western Union's tariffs. This amendment became effective April 25, 1975. In our opinion, such tariff amendment moots the pending petitions for reconsideration in Docket No. 19036, 32 FCC 2d 752 (1971), filed by RCA Globcom on January 18, 197- and by WUI on January 19, 197-, requesting that the Commission direct Western Union to permit the IRC's to utilize direct dial Telex service for the delivery of inbound international telegraph message to hinterland Telex subscribers.<sup>11</sup> Our action in approving the agreed to landline haul divisions and accepting the settlement agreements to the extent indicated herein is conditioned on Western Union filing an appropriate tariff deleting the expiration date contained in the tariff amendment filed with Western Union Transmittal No. 7078.

10. Accordingly, *it is ordered*, That the settlement, as reflected in the Settlement Agreements, is accepted to the extent indicated herein as a disposition of Docket No. 19660 insofar as it relates to the determination of landline haul divisions.

11. *It is further ordered*, That pursuant to sections 4(i) and 4(j), and 222 of the Communications Act the hearing in Docket No. 19660 is hereby terminated insofar as it relates to the determination of landline haul divisions between Western Union and the IRC's;

12. *It is further ordered*, That the various petitions or comments filed by Western Union, the IRC's and the Trial Staff are granted to the extent indicated herein.

13. *It is further ordered*, That effective retroactively to March 1, 1975, the formula, pursuant to section 222(e) (1) of the Communications Act, for the distribution of outbound international traffic handled by the Western Union Telegraph Company following merger with Postal Telegraph, Inc., is amended in the following respect:

(a) Substitute the following table for the present table in "Schedule C-Division of Outbound Charges":

<sup>10</sup> For example, Western Union indicates that stabilization of landline haul divisions at a known level for a three-year period is desirable because Western Union will be able to make its rate, facility and service planning over such period on a more knowledgeable and effective basis and thus be better able to serve the public (Western Union petition, p. 10).

<sup>11</sup> See our separate action of this date in Docket No. 19036. See also our separate action of this date terminating the proceeding in Docket No. 18730, 20 FCC 2d 463 (1969).

Service classification <sup>1</sup>	Minimum number chargeable words per message	Division per word (cents)
Full rate	7	9.5
Letter telegram	22	4.75
U.S. Government full rate (no discount)	7	9.5
U.S. Government full rate (at discount) <sup>2</sup>	7	4.75
U.S. Government letter telegram	22	4.75
Other government full rate (no discount)	7	9.5
Other government full rate (at discount) <sup>2</sup>	7	4.75
Other government letter telegram	22	4.75
United Nations full rate (no discount)	7	9.5
United Nations full rate (at discount) <sup>2</sup>	7	4.75
United Nations letter telegram	22	4.75
Meteorological	7	4.75
Urgent press	14	9.5
Ordinary press	14	1.3

<sup>1</sup> Changes have been made to reflect the discontinuance of the offering of victory letter telegrams and expeditionary force messages effective Mar. 1, 1972. Deferred press was discontinued effective Dec. 31, 1970.

<sup>2</sup> The "at discount" division shall apply if a discount of 50 percent applies to the through rates. As soon as the discount is eliminated, with respect to any point, the charges applicable to "no discount" traffic shall automatically apply.

Adopted: June 18, 1975.

Released: June 26, 1975.

#### FEDERAL COMMUNICATIONS COMMISSION,<sup>12</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

#### APPENDIX

##### LANDLINE HAUL SETTLEMENT AGREEMENT

Agreement, made and entered into this 14th day of April, 1975 between The Western Union Telegraph Company (hereafter "Western Union"), a corporation duly organized and existing under the laws of the State of New York and having its principal office at One Lake Street, Upper Saddle River, New Jersey 07458 and The French Telegraph Cable Company (hereafter "FTCC"), a foreign corporation organized under the laws of France and having its principal United States office at 25 Broad Street, New York, New York 10004 (hereafter sometimes referred to collectively as "the Parties").

Whereas, the divisions of charges for international telegraph message traffic between Western Union and the various international record carriers have been revised from time to time to reflect changed conditions, in accordance with sections 201 (a) and 222(e) of the Communications Act of 1934, as amended (hereafter referred to as "the Communications Act"), most recently pursuant to a compromise agreement between Western Union, the interested international record carriers, and the Federal Communications Commission (hereafter referred to as "the Commission"), with respect to divisions to be effective on and after April 12, 1966, which agreement was approved by the Commission on April 6, 1966 (as reported at 3 F.C.C. 2d 314); and

Whereas, Western Union is seeking, by Complaint and Petition filed July 23, 1970, as amended by Amended Complaint and Petition and Motion for Interim Relief filed May 17, 1973 (hereafter "Complaint"), an

<sup>12</sup> See attached Separate Statement of Commissioner Abbott Washburn.

increase in the divisions of charges which it receives for the landlinehaul of international telegraph message traffic;

Whereas, the Commission set the matter of Western Union's need for an increase in its divisions of charges for hearing in Docket No. 19660 (Memorandum Opinion and Order, adopted October 25, 1973, 43 FCC 2d 661), which hearing is presently in recess, pursuant to the Presiding Judge's Order issued February 18, 1975 (FCC 75M-320, mimeo no. 46693).

Now, therefore, the Parties, in consideration of their individual and mutual covenants herein expressed do hereby covenant and agree to an increase in the landlinehaul division of charges payable to Western Union for traffic exchanged with FTCC, in accordance with the following terms and conditions:

**Article I.** Upon approval of this Agreement by the Commission, the divisions accruing to Western Union for the landline handling of international telegraph message traffic, as set forth in Attachment A attached hereto, exchanged between it and FTCC will be increased, retroactive to March 1, 1975, to the level set forth in said Attachment attached hereto. The divisions of charges set forth in Attachment A reflect an increase over the existing divisions of charges of three cents (\$0.03) per word for full-rate messages and proportionate increases for other classes of message traffic.

**Article II.** In consideration of the increased divisions of charges to be paid by FTCC as described in Article I, Western Union agrees to accept said increased divisions of charges as full and complete satisfaction of any and all obligations of FTCC for the payment to Western Union of the divisions of charges for the landline handling of international telegraph message traffic, during the period commencing March 1, 1975, and ending December 31, 1977, and Western Union agrees not to claim or seek any further increases in such divisions of charges to be effective prior to January 1, 1978.

**Article III.** As further consideration for FTCC's acceptance of the increased divisions of charges herein, Western Union agrees to amend its Tariff F.C.C. No. 240 to permit international carriers to effectuate delivery of inbound international messages directly to Telex subscribers wherever located in the continental United States via the domestic Telex network. In implementation of this Article, Regulation 4.1(f) (3) on 8th Revised Page 4B will be modified to permit delivery of messages on a prepaid basis and to remove the restriction, "via TCS-Telex on a collect basis." The revised tariff provision to be filed by Western Union is set forth in Attachment B hereto. In the case of Telex subscribers located in the international carriers' respective gateway cities, such delivery may be effectuated without charge to the subscriber; and beyond such gateway cities the international carrier shall charge the subscriber an amount equivalent to the Western Union tariff rate for a domestic Telex call of equal duration to the location of the subscriber.

Western Union, shall, concurrently with the filing of this Settlement Agreement with the Commission, file the tariff amendments with the Commission so as to become effective on April 15, 1975, or as soon thereafter as possible. In this regard, Western Union agrees to request the Commission to grant it special permission to file such tariff amendments on less than 30 days' notice in order to permit its effectiveness on April 15, 1975, or as soon thereafter as possible. Such tariff amendment shall bear an expiration date of



ninety (90) days from the date of filing. Unless either party elects to terminate this Agreement pursuant to Article VI hereof, Western Union shall file appropriate revisions postponing that expiration date. Upon the approval of this Agreement by the Commission, Western Union shall delete such expiration date. Western Union further agrees that it will make no subsequent tariff filing prior to January 1, 1978, which would reimpose the requirement that direct access delivery of inbound international telegrams to Telex subscribers outside of the respective gateway cities of the international carriers must be effectuated via TCS-Telex on a collect basis or otherwise prohibit the use of prepaid Telex Service for this purpose.

No provision herein shall be construed as limiting in any way the right of FTCC to seek appropriate authority to provide free direct access to non-gateway city patrons or the right of Western Union to oppose any such requests.

**Article IV.** Western Union represents and affirms that it has concluded or is concluding settlements with all other international record carriers operating in the United States, upon, or providing for, equivalent terms. It being the intent of the Parties that FTCC will not be placed in any less favorable position vis-a-vis another international record carrier by any prior or subsequent settlement between Western Union and such other carrier(s), Western Union therefore agrees that if it enters, or has entered, into an agreement respecting the payment of a division of charges for the landline-haul of international telegraph messages with another international record carrier, or carriers, which becomes or became effective at any time prior to January 1, 1978, on different terms and conditions than those provided herein, it will give FTCC the option, exercisable within 30 days after receipt of written notice by Western Union of such agreement and the terms thereof, to terminate this agreement and enter into a new agreement with Western Union on the same terms and conditions as contained in any such prior or subsequent agreement between Western Union and such other international record carrier(s).

If FTCC elects to exercise this option and the economic terms and conditions of such other agreement are more favorable than those accorded FTCC hereunder, FTCC will be entitled to an adjustment in the divisions provided for pursuant to this Agreement so that FTCC is placed in parity with such other international record carrier or carriers.

**Article V.** Western Union and FTCC will file appropriate pleadings with the Commission requesting approval of this Agreement and the termination of that portion of the investigation in FCC Docket No. 19660 related to Western Union's Complaint and Petition for increased landline haul divisions. The parties hereto will make good faith efforts to obtain a favorable disposition of such pleadings as quickly as possible.

**Article VI.** The Parties agree that early effectuation of this Agreement is an important and necessary part of the consideration underlying this Agreement. The Parties, therefore, agree that either Party shall have the option to terminate this Agreement and all obligations and commitments arising therefrom, if the Commission shall not have acted to approve this Agreement within ninety (90) days following the filing by the Parties of pleadings seeking such approval.

This Agreement replaces and supersedes in all respects the Landline Haul Settlement Agreement between.

This Agreement constitutes the entire understanding of the parties with respect to the subject matter contained herein.

THE WESTERN UNION TELEGRAPH  
COMPANY,  
D. HARMON,  
Vice President.  
THE FRENCH TELEGRAPH CABLE  
COMPANY,  
J. A. BERENGER,  
Manager.

#### ATTACHMENT A.—Landline haul divisions

	Minimum number of chargeable words per message	Divisions per word (cents)
Full rate.....	7	9.5
Letter telegram.....	22	4.75
U.S. Government full rate (no discount).....	7	9.5
U.S. Government full rate (at discount) <sup>1</sup> .....	7	4.75
U.S. Government letter tele- gram.....	22	4.75
Other government full rate (no discount).....	7	9.5
Other government full rate (at discount) <sup>1</sup> .....	7	4.75
Other government letter tele- gram.....	22	4.75
United Nations full rate (no discount).....	7	9.5
United Nations full rate (at discount) <sup>1</sup> .....	7	4.75
United Nations letter telegram.....	22	4.75
Meteorological.....	7	4.75
Urgent press.....	14	9.5
Ordinary press.....	14	3.1

<sup>1</sup> The "at discount" division shall apply if a discount of 50 percent applies to the through rates. As soon as the discount is eliminated, with respect to any point, the charges applicable to "no discount" traffic shall automatically apply.

#### ATTACHMENT B

TARIFF F.C.C. NO. 240, PAGE 4B, PARAGRAPH  
4.1 (F) (3) SECOND SUB-PARAGRAPH

When the Telex subscriber is located outside an international carrier's respective gateway city, the international carrier may effectuate delivery of such messages either (i) via TCS-Telex on a collect basis, as described in section 8 of this tariff or (ii) via a direct prepaid Telex call provided that an amount equal to the usage charges applicable for a Telex call of equal duration to the location of the subscriber is billed by the international carrier for payment by the addressee.

SEPARATE STATEMENT OF COMMISSIONER  
ABBOTT WASHBURN

IN RE REVISION OF THE FORMULA PRESCRIBED  
UNDER SECTION 222 OF THE COMMUNICATIONS  
ACT

In agreeing with the Commission's action to accept the basic terms of the Inter-carrier Settlement Agreement, I wish to reiterate the concerns expressed in the Joint Concurring Statement of four Commissioners on TRT's application several weeks ago. We stated: "There have been assurances that the Commission will not continue to sidestep the basic issue of competition amongst the international record carriers and will very shortly consider the entire gateway policy in Docket 19660."<sup>1</sup> The facts presented

<sup>1</sup> Joint Concurring Statement of Commissioners Robert E. Lee, Charlotte T. Reid, Benjamin L. Hooks and Abbott Washburn In Re: Application of TRT Communications Corporation (File No. I-T-C-2498-1).

to the Commission then, as now, may hold the promise of cost savings in international record carriage for the using public. Western Union draws repeated attention to major apparent losses in this sector yet, at the same time, we are seeing considerable interest in new-entry ventures in this area of Western Union's operations. To the extent that our policies have worked to protect some carriers and artificially excluded others who might propose lower cost services, these policies should be reviewed.

Absent an expeditious resolution of the basic questions of industry structure and competition now before the Commission, I suggest that we should give thought to instituting an investigation on our own motion to examine the current charges, classifications, regulations and practices for international record carriage. The Commission needs more information in this area upon which to base considered judgments.

[FR Doc.75-17192 Filed 7-2-75;8:45 am]

#### COMPETITIVE TARIFF FILINGS

JUNE 17, 1975.

Common carriers making competitive tariff filings to match the rates or services of other carriers are hereby reminded that the provisions of §§ 61.38 and 61.58 of the Commission's rules are fully applicable to such filings. Special permission waiving these rules will not be granted solely on the ground of "competitive necessity", nor in instances where the tariff proposal or the request for special permission is the apparent subject of opposition pleadings.

Where a carrier desires to challenge the tariff filing of a competitive carrier and to make a matching filing in the event the challenge is not sustained by the Commission, the matching tariff filing should comply with §§ 61.38 and 61.58 of the rules. Such matching filing may be made without prejudice to the carrier's challenge to the tariff of the first-filing carrier and prior to Commission action on such challenge.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-17383 Filed 7-2-75;8:45 am]

#### DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE

1979 World Administrative Radio  
Conference

JUNE 30, 1975.

In preparation for the 1979 World Administrative Radio Conference, a meeting of the Domestic Land Mobile Radio Advisory Committee, headed by Wendell R. Harris, will be held on Tuesday, July 22, 1975, at 9 a.m. in Room 752 located at 1919 M Street, NW, Washington, D.C. The same room has been reserved for the afternoon for those task groups that wish to have meetings on this date.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the



agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Discussion regarding organization of Advisory Committee.
3. Progress reports from Informal Task Groups.
4. Discussion of work progress to date.
5. Establish informal timetable for accomplishing work.
6. Set date for next meeting.
7. Further business.
8. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-17385 Filed 7-2-75; 8:45 am]

[Docket Nos. 20469 and 20470; File Nos.  
BPH-9021 and BPH-9126]

**PERDIDO BROADCASTING CO. AND  
BARBA BROADCASTING CO.**

**Order Designating Applications for Hearing**

In re applications of Perdido Broadcasting Co., Pensacola, Florida, Docket No. 20469, File No. BPH-9021, requests: 107.3 MHz, Channel No. 297, 100 kW (H&V), 315 feet; Barba Broadcasting Co., Pensacola, Florida, Docket No. 20470, File No. BPH-9126, requests: 107.3 MHz, Channel 297 100 kW (H&V), 366.8 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Pensacola, Florida.

2. The financial data associated with the application of Barba Broadcasting Company [Barba] is deficient as submitted. In response to a Commission request for more complete information, Barba filed a "Statement of Assets and Liabilities" for Mr. Thomas A. Barba, the president and majority shareholder of the applicant. Mr. Barba proposes to advance up to \$315,000 in order to meet the costs of construction and operation of the proposed facility for the first year. However, the financial statement submitted for Mr. Barba does not reveal sufficient liquidity to support the commitment made to the applicant. Although an item denoted as "receivables," appears on the statement in an amount purportedly sufficient to supply the necessary funds, Mr. Barba has failed to submit a statement of a certified public accountant that these accounts are collectable, as required by section III, paragraph 4(b), of FCC Form 301. Furthermore, the financial statement has included "land and improvements," generally, an account of fixed assets, among those items which are listed as current assets. To compound this problem, a substantial "reserve for improvements" has been listed as current

liability. Were the value of the "land and improvements" computed in accordance with generally accepted accounting principles as fixed assets, and the corresponding "reserve" treated as a non-current liability, Mr. Barba's financial statement would evidence current liabilities in excess of current assets by more than \$75,000. As Mr. Barba's loan constitutes the primary source of funds relied upon by the applicant, an appropriate issue will be designated concerning Barba's financial qualifications.

3. Barba has requested authority, pursuant to section 73.210(a)(3) of the rules, to locate the main studio of the proposed facility outside of the community of license, in the club house of the Santa Rosa Shores Country Club, owned by Mr. Barba. In support of its request, Barba notes that the club is a "prestigious location" for the studio, and since it will be "bordered on one side by the club restaurant, and on the other by the golf course's number one tee, a great many people will be able to view the workings of the radio station." However, the site appears to be approximately fifteen miles from the city limits of Pensacola, on Santa Rosa Island. The principal means of access to the island is by the Bob Sikes Bridge, a toll facility. No other factors have been presented by the applicant in support of its request to demonstrate accessibility of the site to Pensacola residents, and the Commission is unable to find at this time that "good cause" has been shown. Accordingly, an issue will be specified to determine whether justification exists to grant the applicant's request to locate the main studio of the station on Santa Rosa Island.

4. Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/n or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Barba Broadcasting Company is financially qualified to construct and operate its proposed station.
2. To determine whether good cause exists to authorize the location of the Barba Broadcasting Company's main studio outside of

the community of license.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: June 23, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.75-17381 Filed 7-2-75; 8:45 am]

[FCC 75-763]

**PROGRAM LOG ANALYSIS**

**1976 Composite Week Dates for AM  
and FM Licensees**

JUNE 27, 1975.

The following dates will constitute the composite week for use in the preparation of program log analysis submitted with renewal applications for AM and FM station licenses which have expiration dates in calendar year 1976.

Sunday, April 13, 1975  
Monday, November 25, 1974  
Tuesday, January 28, 1975  
Wednesday, December 4, 1974  
Thursday, September 12, 1974  
Friday, May 16, 1975  
Saturday, February 15, 1975

**COMPOSITE WEEK FOR USE BY COMMERCIAL  
TELEVISION LICENSEES AND PERMITTEES**

Commercial television licensees and permittees with license expiration dates of February 1 and April 1, 1976 will use, in answering Questions 4, 10 and 11 of revised Section IV-B of FCC Form 303, the composite week dates previously used in preparing the 1975 Annual Programming Report. Stations whose licenses expire on June 1 and thereafter during calendar year 1976 will use a composite week that will be issued in November, 1975. The composite week dates to be used in the preparation of the 1976 Annual Programming Report (FCC Form 303-A), required to be filed February 1,



1976, will also be issued in November, 1975.

Action by the Commission June 25, 1975. Commissioners Wiley (Chairman), Lee, Reid, Washburn and Robinson.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-17382 Filed 7-2-75;8:45 am]

#### DOPPLER RADARS

##### Special Requirements

The Office of Chief Engineer has specified additional technical criteria which must be supplied to the Commission by applicants requesting type acceptance of doppler radar equipment which is intended for operation on any frequency in the band 24.05-24.25 GHz. These additional type acceptance criteria are set forth in Bulletin OCE 37 which is entitled "Criteria to be Met by Doppler Radars Operating in the 24.05-24.25 GHz Frequency Band." These limitations are specified for doppler radar transmitters used in non-Federal Government radio-location stations which operate on any frequency in the band cited above.

Copies of Bulletin OCE 37 may be obtained upon request from the Technical Standards Branch, Research and Standards Division, Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554 (telephone, area code 202, 632-7093).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-17384 Filed 7-2-75;8:45 am]

#### FEDERAL COUNCIL ON THE AGING ECONOMICS OF AGING COMMITTEE

##### Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Economics of Aging Committee will meet on July 23, from 9:30 a.m. to 5 p.m. and on July 24, 1975 from 9 a.m. to 3 p.m. in Room 4563, Donohoe Building, 400 Sixth St., S.W., Washington, D.C. The agenda will consist of: recommendations for national policy on services for the frail elderly; access for minority elderly poor to low cost subsidized housing; and status report on the Study of the Combined Impact of All Taxes on the Elderly.

This meeting is open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building,

400 Sixth Street, SW, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,  
Executive Director,  
Federal Council on the Aging.

JUNE 26, 1975.

[FR Doc.75-17406 Filed 7-2-75;8:45 am]

#### NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

##### RELOCATION OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on July 18, 1975, at the Marriott Twin Bridges Motel, U.S. 1, Arlington, Virginia, from 9 a.m.-4:30 p.m., has been relocated to 400 Maryland Avenue, SW, Room 1134, FOB#6, Washington, D.C., for that same date.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on June 30, 1975.

ROBERTA LOVENHEIM,  
Executive Director.

[FR Doc.75-17390 Filed 7-2-75;8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-42]

##### ESTABLISHMENT OF ADVISORY COMMITTEE

##### Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the establishment of an Atmospheric Sciences Advisory Committee is in the public interest in connection with the performance of duties imposed upon NASA by law.

The Committee will bring together key people in a variety of disciplines applicable to atmospheric research and will serve to provide outside scientific expertise to NASA in this field. The Committee will advise NASA on the application of our resources to the most important aspects of stratospheric research, and will assure that NASA is conducting an atmospheric sciences program which is integrated with the efforts of other Government agencies.

Dated: June 27, 1975.

DUWARD L. CROW,  
Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.75-17358 Filed 7-2-75;8:45 am]

[Notice 75-43]

#### SPACE SYSTEMS COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

##### Meeting

The Space Systems Committee of the NASA Space Program Advisory Council will meet on August 21 and 22, 1975, at the NASA Johnson Space Center, Building 1, Room 966, Houston, Texas. The meeting is open to members of the public from 9 a.m. to 5 p.m. on August 21, 1975, and from 9 a.m. to noon on August 22, 1975, on a first-come, first-served basis to about fifty (50) which is the seating capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA Space Systems Committee serves in an advisory capacity only. It is concerned with the development of space transportation systems and multidisciplinary space-based systems including consideration of the man machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions. The current chairman is Professor Courtland D. Perkins. There are presently nine (9) members.

For further information regarding the meeting, please contact Mr. Robert C. Littlefield, Executive Secretary to the Space Systems Committee, 202/755-2453. The agenda for the meeting is as follows:

August 21, 1975	Topic
9 a.m.-	
9:15 a.m.----	Opening Remarks. (Purpose: Introductory Remarks.)
9:15 a.m.-	
11 a.m.-----	Space Shuttle Program Status. (Purpose: To brief the committee on the current status of the Space Shuttle Program.)
11 a.m.-	
12 p.m.-----	Interim Upper Stage (IUS). (Purpose: To brief the committee on the nature and status of the IUS including NASA/DOD interface.)
1:30 p.m.-	
5 p.m.-----	Space Shuttle Operational Management Assessment Team Review. (Purpose: To review with the committee recommendations from a special team effort relative to operational management assessment of the Space Shuttle Program.)
5 p.m.-----	Adjourn.
9 a.m.-11 a.m.---	Space Shuttle Critical Item List Review. (Purpose: To review and discuss with the committee top critical items in the Space Shuttle Program.)
11 a.m.-12 p.m.--	General Discussion. (Purpose: To review issues discussed during the meeting.)
12 p.m.-----	Adjourn.

Dated: June 27, 1975.

DUWARD L. CROW,  
Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.75-17359 Filed 7-2-75;8:45 am]



# NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-70, 50-73]

GENERAL ELECTRIC CO.

## Notice of Hearing

In the matter of General Electric Co., Nuclear Energy Division, 175 Curtner Avenue, San Jose, California 95125 (Vallecitos).

General Electric Company, Nuclear Energy Division, 175 Curtner Avenue, San Jose, California 95125 (Licensee) is the holder of License Nos. R-33 and TR-1, issued by the Nuclear Regulatory Commission (Commission). License No. R-33 was issued October 21, 1957 for the operation of a research reactor and has an expiration date of October 25, 1975. License No. TR-1 was issued on January 7, 1959 for operation of a test reactor and has an expiration date of October 6, 1976.

On March 14, 1975 the Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation, alleged that the Licensee was responsible for three separate items of noncompliance which were violations of the Commission's regulations and/or the conditions of the Licensee's licenses and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of activities conducted under the licenses on January 22-23, 1975.

An answer dated April 9, 1975 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the Licensee. The Director of Inspection and Enforcement, after consideration of the Licensee's response, by letter dated May 10, 1975, served on the Licensee an Order Imposing Civil Monetary Penalties requiring the Licensee to pay civil penalties in the amount of Six Thousand Five Hundred Dollars (\$6,500). On June 6, 1975, the Licensee requested a hearing on the Order Imposing Civil Monetary Penalties.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before Mr. Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The Administrative Law Judge will consider and initially decide, as the issues in this proceeding:

- whether the Licensee committed the violations of the Commission's regulations and the conditions of the license designated as Items I.A., II.A. and II.B. in the Notice of Violation referenced above; and
- Whether the Order Imposing Civil Penalties as it relates to Items I.A., II.A. and II.B. designated in the Notice should be sustained.

A prehearing conference or conferences will be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, may be filed by the Licensee not later than August 25, 1975.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C. this 27th day of June, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary to the Commission.

[FR Doc.75-17325 Filed 7-2-75; 8:45 am]

## JOSEPH M. HENDRIE Certification

Dr. Joseph M. Hendrie—who was formerly employed by the Atomic Energy Commission (AEC) as Deputy Director For Technical Review—has requested that the Nuclear Regulatory Commission (NRC) grant him an exemption from a statutory prohibition barring his acting as an agent representing his current employer, Brookhaven National Laboratory, before the NRC concerning certain particular matters in which he was personally and substantially involved as AEC Deputy Director.

For the reasons stated below, we certify, pursuant to section 207 of Title 18 of the U.S. Code, that the national interest would be served by Dr. Hendrie's acting as agent or appearing personally before the NRC on behalf of Brookhaven National Laboratory in connection with the following particular scientific matters:

- Reactor safety analysis matters concerning the neutron physics, power distribu-

tion, and thermal hydraulics aspects of water-cooled power reactors;

- Calculations of PWR and BWR system transients, including anticipated transient without scram (ATWS) events, and development of improved methods of calculation;

- Studies of steam generator tube reliability;

- Studies of the effects of hypiodous acid formation in loss-of-coolant accident conditions; and

- Studies of reaction rate data for the gas phase adsorption of various organic and inorganic gases and vapors on charcoal filter elements commonly installed in nuclear plants.

Brookhaven National Laboratory performs certain research work and other technical studies for the NRC. The Commission of course desires that the work performed for it by Brookhaven National Laboratory be of the highest possible caliber and fully responsive to the Commission's needs.

Because of his outstanding technical and management abilities, Dr. Hendrie is uniquely qualified to provide the necessary management of Brookhaven's work on behalf of NRC. To allow Dr. Hendrie to perform this vital function, we have determined that this certification is necessary.

Dated at Washington, D.C. this 27th day of June 1975.

By the Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc.75-17329 Filed 7-2-75; 8:45 am]

[Docket No. 50-309]

## MAINE YANKEE ATOMIC POWER CO.

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment (1) changes operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46; (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License, and imposes instead, limitations established in accordance with 10 CFR 50.46; and (3) increases the amount of U-235 in fuel assemblies that may be received, possessed, and used in connection with operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the



license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) and (2) was published in the *FEDERAL REGISTER* on May 7, 1975 (40 FR 19885). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1975, as supplemented April 28, 1975, May 1, 1975, May 20, 1975, June 4, 1975, and the non-proprietary portion of the June 12, 1975 supplement, (2) Amendment No. 10 to License No. DPR-36 with Change No. 18, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated June 24, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch #1, Division of Re-  
actor Licensing.

[FR Doc.75-17326 Filed 7-2-75;8:45 am]

[Docket No. 50-309]

#### MAINE YANKEE ATOMIC POWER STATION Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR-36

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-36. These changes would authorize the Maine Yankee Atomic Power Company (the licensee) to operate the Maine Yankee Atomic Power Station (located in Lincoln County, Maine) with changes to limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with a reactor refueling for core cycle 2.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-36, Maine Yankee Atomic Power Station, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the

proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Maine Yankee Atomic Power Station issued in July 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

Dated at Rockville, Maryland this 24th day of June 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,  
Chief, Environmental Projects  
Branch 4 Division of Reactor  
Licensing.

[FR Doc.75-17327 Filed 7-2-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

#### PHILADELPHIA ELECTRIC CO., ET AL.

##### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 9 and 7 to Facility Operating Licenses Nos. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company which revised Technical Specifications for operation of Peach Bottom Atomic Power Station Units 2 and 3, located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications that would modify limiting conditions for operation and surveillance requirements for installed filters in the standby gas treatment system and in the control room air treatment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for amendment dated February 28, 1975 and supplement dated May 13, 1975, (2) Amendments Nos. 9 and 7 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 10 and 7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 25th day of June, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch #3, Division of Re-  
actor Licensing.

[FR Doc.75-17328 Filed 7-2-75;8:45 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

[1526, 1340C; 1569; 1296A, 936, 1465, 1230A,  
1514, 1280]

##### ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

###### Availability and Receipt

*Railroad Accident Report.* The Safety Board released, June 23, 1975, report No. NTSB-RAR-75-6 concerning the head-on collision of two St. Louis-San Francisco Railway freight trains on a single track near Mustang, Oklahoma, September 1, 1974. The probable cause of the accident was found to be the failure of the westbound crew to take preventive action after passing through Mustang ahead of a scheduled meeting with the eastbound train.

The Safety Board recommended that the St. Louis-San Francisco Railway Company (1) enforce the exact requirements of its operating rules and set up a more effective system to be sure its employees understand them, (2) write operating rules giving specific guidance for the use of radio in railroad operations, and (3) revise its train meet operating rules so that they safeguard crews of both trains and are consistent with actual train performance in meeting schedules. (Recommendations R-75-25 through 27)

In this report, the Board also reiterated two earlier recommendations to the Federal Railroad Administration to (1) issue as soon as possible regulations to provide for use of radio in railroad operations (R-72-9), and (2) require that railroads institute formal locomotive cab management procedures which will specify each crewmember's duties to ensure the crew action required when the engineer does not function in a manner consistent with the safety of the train (R-75-15 (40 FR 27081)).

*Aircraft Accident Report.* The Safety Board in its report No. NTSB-AAR-75-8, released June 26, 1975, found that an electrical malfunction probably caused in-flight extension of wing spoilers and resultant loss of control in the crash of a Grumman Gulfstream II corporate jet. The jet crashed while on a training flight near Kline, South Carolina, June 24, 1974.

Responsive to Board recommendation A-74-61, issued August 14, 1974, as a result of this accident, the Federal Aviation



Administration (FAA) agreed to issue an airworthiness directive to go beyond Grumman Service Change 98 by requiring design changes to (1) reduce the probability of failure, (2) limit the effect of single failure to insure controllability, (3) annunciate spoiler deployment, (4) provide means to retract spoilers inadvertently deployed, and (5) see that spoiler system operation information is available to the pilot by placard and/or flight manual material. Both the recommendation and the response, dated August 15, 1974, are reproduced in the report.

**Safety Recommendation.** Investigation of a Cessna 402B crash at Petersburg, Virginia, June 22, 1974, prompted issuance June 25, 1975, to FAA of Recommendation A-75-53. The Board recommended that FAA's Accident Prevention Staff, including Regional Coordinators, the Accident Prevention Specialists, and the Accident Prevention Counselors schedule discussion of the operational circumstances of this accident at the various pilot safety meetings, seminars, and clinics which are scheduled throughout the year.

**Responses to Safety Recommendations.** During the past week, the following letter responses were received from addressees of earlier Safety Board recommendations:

FAA, June 6 re A-74-125, concerning amendment of Federal Aviation Regulations 121.135 and 25.1585 to require flight manuals to contain information on hydroplaning, comments: "The FAA, USAF, and NASA have been actively engaged in determining all the possible factors involved in hydroplaning phenomena. Because the problem is general, we do not believe it should be included in all airplane flight manuals. The subject is presently discussed in Advisory Circular 91-24 (9/4/69), and more specific procedural information is provided in operations manuals and bulletins appropriate to each carrier's aircraft models."

FAA, June 12 re A-72-230, concerning aircraft having very high stall/spin frequency of occurrence, states: "As a result of stall/spin investigations already accomplished, the FAA has initiated action during the Airworthiness Review to revise regulations governing spin requirements of small airplanes." The recommendation was made in a special study, "General Aviation Stall/Spin Accidents, 1967-1969" (NTSB-AAS-72-8). In a separate letter dated June 12, FAA comments on Recommendation A-72-232 to initiate study and research in agricultural flying. In responding to this recommendation, made in the same special study, FAA comments on several research and development studies regarding the stall/spin problem in general aviation aircraft. On the educational side, FAA notes issuance of Advisory Circulars 61-50 (February 1972) and 61-67 (February 1974), as well as the release this April of a 16-minute film entitled "Stalling for Safety."

**Federal Highway Administration,** June 12 re H-75-9 through 11 (40 FR 24252),

notes that a contract, awarded to determine the state-of-the-art in commercial vehicle driver training, has been completed and that, as a result of findings, a three-phase national training standard for commercial driver training courses will be developed to cover basic emergency maneuvers and skid control. However, with reference to H-75-10, FHA states: "To make such training mandatory for all new candidates would, in our view, be of little value in preventing violent vehicle movements caused by front-tire failures." FHA further states: "Jack-knife situations and skidding can best be controlled by elimination of the skid and we believe the new brake standard, MVSS-121, will greatly reduce skidding." FHA has recently completed crash testing a new type bridge railing with an intercity bus and a heavy truck, and is awarding a research contract for "New Concepts in Traffic Barrier Systems"—this in compliance with H-75-11.

FAA, June 13 re A-74-10 and 11, states that as a result of a Douglas study on the DC-10, reviewed by FAA, " \* \* \* it was concluded that during a decompression equivalent to the Albuquerque decompression, the pressure differential between the upper and lower compartments would equalize in one second. Thus, a supplementary aneroid switch located in the lower lobe galley would not expedite the presentation of oxygen masks to the occupants of that compartment." FAA further notes that the present location of portable oxygen cylinders in the lower lobe galley is satisfactory.

FAA, June 13 re A-75-39 and 40, states that Airworthiness Directive 75-11-08 has been issued, requiring "removal of the pressure drain-can plug and daily inspections for proper drainage, or 100-hour inspections provided additional drain holes are incorporated, until additional corrective modifications are accomplished."

**Federal Railroad Administration,** June 23 re R-74-20 and 21, comments on the train-to-train collision testing accomplished by the Transportation Test Center under "highly controlled and instrumented conditions." Also, reference is made to the work being done by the Association of American Railroads on improving locomotive cab design. The recommendations were made in Board report No. NTSB-RAR-74-2, "Collision of the State-of-the-Art Transit Cars with a Standing Car, High Speed Ground Test Center, Pueblo, Colorado, August 11, 1973."

The accident reports and the recommendation letter are available to the general public without charge. A \$4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased from the National Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))).

MARGARET L. FISHER,  
Federal Register Liaison Officer.

JUNE 30, 1975.

[FR Doc.75-17409 Filed 7-2-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### CENCO HOSPITAL & CONVALESCENT HOMES CORP.

#### Suspension of Trading

JUNE 26, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cenco Hospital & Convalescent Homes Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on June 26, 1975 through midnight (e.d.t.) on July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-17332 Filed 7-2-75;8:45 am]

[File No. 500-1]

### CENCO INC.

#### Suspension of Trading

JUNE 26, 1975.

The common stock of Cenco Inc. being traded on the New York and Pacific Stock Exchanges; the 5% Convertible Subordinated Notes due September, 1993 and the 5% Convertible Subordinated Debentures due November, 1996 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cenco Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on June 26, 1975 through midnight (e.d.t.) on July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-17333 Filed 7-2-75;8:45 am]



[Rel. No. 19065; 70-5705]

**CONSOLIDATED NATURAL GAS CO.  
AND CNG RESEARCH CO.****Acquisition of Subsidiary Corporation**

JUNE 26, 1975.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020. CNG Research Company, Four Gateway Center, Pittsburgh, Pennsylvania 15222. (70-5705.)

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and CNG Research Company ("CNG Research"), which upon consummation of the transaction herein proposed will become a wholly-owned subsidiary of Consolidated, have filed a joint-application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CNG Research, a newly created Delaware corporation, will engage in research and development with respect to natural gas and substitute natural gas. At present, the Research Department of Consolidated Natural Gas Service Company ("Service Company") is administering more than forty research projects. In some of these Consolidated has a proprietary interest ranging from 5% to 100%. Consolidated proposes to assign to CNG Research four proprietary research contracts which it is presently funding. Non-proprietary research contracts will be retained by the Service Company, which will continue to conduct research thereunder. All proprietary research will hereafter be conducted by CNG Research.

CNG Research proposes (1) to engage generally in research and development, by contract or otherwise, with respect to processes and technology relating to production, augmentation of supply, efficient use and conservation of natural and substitute natural gas; (2) to finance in whole or in part such research and development efforts; (3) to acquire or receive the benefits of rights, technology, processes, patents, proprietary information and data to which it may be entitled under the terms of these contracts, which may also involve the acquisition of securities, utility assets (except retail distribution systems) and any other interest in any business to which it may be entitled under the terms of such contracts.

The four contracts to be assigned to CNG Research by Consolidated require expenditures in 1975 in the aggregate amount of \$2,500,000. Two of these contracts also impose minimum obligations over the years 1976-1979 of an aggregate amount of \$600,000 per year.

Consolidated proposes to acquire in 1975, for cash, 25,000 shares of CNG Research's common stock, par value \$100 per share, for \$2,500,000 and, during each of the years 1976-1979, 6,000 such shares for \$600,000. Authorization for investment of additional sums required by CNG Research will be applied for on an annual basis.

The fees and expenses to be incurred in connection with this transaction are estimated at \$16,250, including legal fee of \$9,500 (not including legal services performed on a cost basis by the Service Company). It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.75-17349 Filed 7-2-75;8:45 am]

[File No. 500-1]

**CANADIAN JAVELIN, LTD.****Suspension of Trading**

JUNE 27, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and It appearing to the Securities and Exchange Commission that the summary

suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 23, 1975 through July 7, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.75-17410 Filed 7-2-75;8:45 am]

[File No. 500-1]

**CONTINENTAL VENDING MACHINE CORP.****Suspension of Trading**

JUNE 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 29, 1975 through July 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.75-17411 Filed 7-2-75;8:45 am]

**VETERANS ADMINISTRATION****STATION COMMITTEE ON EDUCATIONAL ALLOWANCES****Meeting**

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 10, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Gallatin Flying Service, Inc., Gallatin, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: June 27, 1975.

R. S. BIELAK,  
*Director, VA Regional Office, 110  
9th Avenue, South Nashville,  
Tennessee.*

[FR Doc.75-17372 Filed 7-2-75;8:45 am]



## DEPARTMENT OF LABOR

## Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS  
COMPETITION DETERMINATIONS UN-  
DER THE RURAL DEVELOPMENT ACT

## Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations, and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding

these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of June, 1975.

BEN BURDETSKY,  
Deputy Assistant Secretary  
for Manpower.

Applications received during the week ending June 27, 1975

Name of applicant	Location of enterprise	Principal product or activity
Carleton Woolen Mills, Inc.	Winthrop, Maine	Manufacture of woolen fabrics.
Aerospace Fabrication, Inc.	Cocoa, Fla.	Oil drilling platforms.
Poultry Packers, Inc.	Forest, Miss.	Chicken processing.
Carlisle Military School, Inc.	Bamberg, S.C.	Military boarding school.
Cornell Corp. (tenant to city of Cornell)	Cornell, Wis.	Manufacture insulating roof deck.
A. R. Wood Manufacturing Co.	Luverne, Minn.	Manufacture of production equipment for livestock and fireplaces and fire trucks.
Carrollton Graphics, Inc.	Carrollton, Ohio	Commercial printing.
Bartus-Szekely Memorial Nursing Home, Inc.	Albany, La.	Nursing home.
James Jacob Mitten	Oakley, Kans.	Truck stop.
Colorado Packing Co., Inc. (tenant to city of La Junta)	La Junta, Colo.	Meat processing.
Ice Time, Inc.	Kennewick, Wash.	Ice skating facility.

[FR Doc.75-17357 Filed 7-2-75;8:45 am]

## Office of the Secretary

[TA-W-60]

## ARMOR ELEVATOR CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 20, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Armor Elevator Company, Woodside, New York, (TA-W-60). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with elevators and elevator parts produced by Armor Elevator Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-17339 Filed 7-2-75;8:45 am]

[TA-W-58]

## FLORSHEIM SHOE CO.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 13, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL-CIO on behalf of the workers and former workers of Crawford plant and Logan Plant of Florsheim Shoe Company, Chicago, Illinois (TA-W-58). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's footwear produced by Florsheim Shoe Company, or any appropriate subdivision thereof, have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting



the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,  
*Acting Director, Office of  
Trade Adjustment Assistance.*

[FR Doc.75-17337 Filed 7-2-75;8:45 am]

[TA-W-59]

#### WESTMINSTER CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Westminster Corporation, Westminster, Maryland (TA-W-59). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with Children's Footwear produced by The Westminster Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public

hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,  
*Acting Director, Office of  
Trade Adjustment Assistance.*  
[FR Doc.75-17338 Filed 7-2-75;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[No. MC-C-8600]

#### BUILDERS TRANSPORT, INC.

#### Petition for Declaratory Order Regarding Interpretation of Commodity Authorization

Notice of filing of petition for a commission determination of whether authority to transport lumber and lumber products embraces authority to transport particleboard.

Petitioner: Builders Transport, Inc., 409 14th St. SW., Great Falls, Mont. 59404. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111.

By petition filed March 7, 1975, petitioner requests that the Commission determine whether motor common or contracts carrier authority to transport lumber and lumber products embraces authority to transport particleboard.

Petitioner holds contract carrier authority in No. MC-126780 (Sub-No. 1) to transport, over irregular routes, lumber, millwork, wooden poles, wooden posts, and wooden beams from points in named counties in Idaho, Oregon, and Washington, to points in Montana, under a continuing contract or contracts with Georgia-Pacific Company, Ferguson Lumber Sales, and Lumber Yard Supply Company. Pursuant to the above authority, petitioner asserts that it has transported particleboard for many years in good faith and that it is aware that numerous other lumber haulers now engage and for many years have engaged in the transportation of particleboard.

Petitioner alludes to a recently served initial decision in which the Administrative Law Judge elected to leave undecided the issue of whether certain involved protestants' authority to transport lumber and lumber products authorized the transportation of shipper's particleboard. Reflecting the recommendation of the Administrative Law Judge, petitioner requests that if the Commission should find that motor carriers of lumber cannot transport particleboard, appropriate proceedings be instituted, with requisite carriers parties thereto, to establish guidelines or proceedings for enlarging the carrier's au-

thority based upon past good faith transportation of particleboard.

No oral hearing is contemplated at this time. Any interested person (including petitioner) desiring to participate in this proceeding may file with this Commission an original and fifteen (15) copies of his written representations, views, or arguments in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before August 5, 1975. A copy of each such representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice of the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
*Acting Secretary.*

[FR Doc.75-17265 Filed 7-2-75;8:45 am]

[Notice No. 52]

#### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 27, 1975.

The following applications are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served



concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 504 (Sub-No. 104), filed May 23, 1975. Applicant: HARPER MOTOR LINES, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, house-

hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size and weight), between Covington, Erlanger, and Florence, Ky., on the one hand, and, on the other, Cincinnati, Ohio.

NOTE.—Applicant intends to tack the requested authority with its existing authority at Cincinnati, Ohio, to serve points in South Carolina, authorized regular route points in Georgia as described in Sub-No. 1, North Carolina and points within 100 miles of Sanford, N.C. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Cincinnati, Ohio, or Atlanta, Ga.

No. MC 730 (Sub-No. 381), filed June 9, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Henderson, Nev., to LeMoyne, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 4405 (Sub-No. 522), filed June 6, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from points in Canadian County, Okla., to points in the United States (except Oklahoma, Alaska and Hawaii); and (B) *tractors*, in secondary movements in driveaway service only when drawing trailers, semi-trailers and trailer chassis in initial movements, from points in Canadian County, Okla., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 8973 (Sub-No. 37), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials and accessories, therefor, and materials, equipment, and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commod-

ities in bulk), between Burlington, N.J., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 8973 (Sub-No. 38), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials, accessories therefor, and materials, equipment and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commodities in bulk), between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 8973 (Sub-No. 39), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials, and accessories therefor, and materials, equipment and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commodities in bulk), between Burlington, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 11207 (Sub-No. 358), filed June 3, 1975. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 918 16th St. NW., 702 World Center Bldg., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pulp mill and paper mill products* (except in bulk and except commodities which because of size or weight requires the use of special equipment), from the

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



plant site of Potlatch Corporation located in Desha County, Ark., to points in Oklahoma, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, and Virginia; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Oklahoma, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, and Virginia, to the plant site of Potlatch Corporation located at Desha County, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark. or New Orleans, La.

No. MC 13123 (Sub-No. 81), filed May 30, 1975. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Converse Rubber Corporation at or near Contocook, N.H., as an off-route point in connection with applicant's regular route operations to and from Manchester and Concord, N.H.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 16831 (Sub-No. 18), filed May 27, 1975. Applicant MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in Illinois, Indiana, Michigan, Missouri, Nebraska, and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points named in part (1) above, to the plantsite and storage facilities of North Star Steel Company located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 19227 (Sub-No. 215), filed June 9, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Cast iron pipe, plastic pipe, manhole frames and covers, valves, culverts, meter boxes, fittings, materials, equipment and supplies* thereof, from the plantsite of Mead Pipe Texas located at or near Tyler, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30280 (Sub-No. 67), filed June 2, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., 1940 Monroe Drive NE., Atlanta, Ga. 30306. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between New York, N.Y., and points in the New York, New York, commercial zone and Bainbridge, Ga.: From New York, N.Y., over Interstate Highway 95 to its junction with Interstate Highway 85 at Petersburg, Va., thence over Interstate Highway 85 to Newnan, Ga., thence over U.S. Highway 29 to LaGrange, Ga., thence over U.S. Highway 27 to Bainbridge, Ga., and return over the same route serving the intermediate points of Philadelphia, Pa.; Wilmington, Del.; Baltimore, Md.; Washington, D.C., and all intermediate points in Georgia, North Carolina, and South Carolina; (2) Between Petersburg, Va., and Kingsland, Ga.: From Petersburg, Va., over Interstate Highway 95 to Savannah, Ga., thence over U.S. Highway 17 to Kingsland, Ga., and return over the same route serving all intermediate points in Georgia, South Carolina, and North Carolina and serving Petersburg, Va., for purpose of joinder only; (3) Between Norfolk, Va., and South Hill, Va.: From Norfolk, Va., over U.S. Highway 58 to South Hill, Va., serving South Hill, Virginia, and Emporia, Virginia, for purpose of joinder only.

(4) Between Richmond, Va., and Greensboro, N.C.: From Richmond, Va., over U.S. Highway 360 to South Boston, Va., thence over U.S. Highway 58 to Danville, Va., thence over U.S. Highway 29 to Greensboro, N.C., and return over the same route serving all intermediate points in North Carolina and Danville, Va.; (5) Between Norfolk, Va., and Wilmington, Del.: From Norfolk, Va., over U.S. Highway 13 to Wilmington, Del., serving no intermediate points; (6) Between Wilson, N.C., and the junction of U.S. Highway 17 and Interstate Highway 95 near Gardens Corner, S.C.: From Wilson, N.C., over U.S. Highway 117 to Wilmington, N.C., thence over U.S. Highway 17 to its junction with Inter-

state Highway 95 near Gardens Corner, S.C., and return over the same route serving all intermediate points; (7) Between Durham, N.C., and Goldsboro, N.C.: From Durham, N.C., over U.S. Highway 70 to Goldsboro, N.C., and return over the same route serving all intermediate points; (8) Between Asheville, N.C., and Greensboro, N.C.: From Asheville, N.C., over Interstate Highway 40 to Greensboro, N.C., and return over the same route serving all intermediate points; (9) Between Asheville, N.C., and Wilmington, N.C.: From Asheville, N.C., over U.S. Highway 74 to Wilmington, N.C., and return over the same route serving all intermediate points; (10) Between Atlanta, Ga., and Wilmington, N.C.: From Atlanta, Ga., over Interstate Highway 20 to Columbia, S.C., thence over U.S. Highway 76 to Wilmington, N.C., and return over the same route serving all intermediate points; (11) Between Charlotte, N.C., and Savannah, Ga.: From Charlotte, N.C., over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to Savannah, Ga., and return over the same route serving all intermediate points; (12) Between Asheville, N.C., and Charleston, S.C.: From Asheville, N.C., over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to its junction with Interstate Highway 26 near Clinton, S.C., thence over Interstate Highway 26 to Charleston, S.C., and return over the same route serving all intermediate points.

(13) Between Greenville, S.C., and Statesboro, Ga.: From Greenville, S.C., over U.S. Highway 25 to Statesboro, Ga., and return over the same route; (14) Between Atlanta, Ga., and Rossville, Ga.: From Atlanta, Ga., over U.S. Highway 41 to Rossville, Ga., and return over the same route serving all intermediate points; (15) Between Atlanta, Ga., and Thomasville, Ga.: From Atlanta, Ga., over Georgia Highway 85 to Manchester, Ga., thence over U.S. Highway Alt. 27 to Columbus, Ga., thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany, Ga., thence over U.S. Highway 19 to Thomasville, Ga., and return over the same route serving all intermediate points; (16) Between Atlanta, Ga., and Valdosta, Ga.: From Atlanta, Ga., over Interstate Highway 75 to Valdosta, Ga., and return over the same route serving all intermediate points; (17) Between Macon, Ga., and Folkston, Ga.: From Macon, Ga., over U.S. Highway 23 to Folkston, Ga., and return over the same route serving all intermediate points; (18) Between Columbus, Ga., and Savannah, Ga.: From Columbus, Ga., over U.S. Highway 80 to Savannah, Ga., and return over the same route serving all intermediate points; (19) Between Macon, Ga., and the junction of U.S. Highway 441 and Interstate Highway 85 near Commerce, Ga.: From Macon, Ga., over U.S. Highway 129 to Athens, Ga., thence over U.S. Highway 441 to its junction with Interstate High-



way 85 near Commerce, Ga., and return over the same route serving all intermediate points.

(20) Between Bainbridge, Ga., and Midway, Ga.: From Bainbridge, Ga., over U.S. Highway 84 to Waycross, Ga., thence over U.S. Highway 82 to Midway, Ga., and return over the same route serving all intermediate points; (21) Between Statesboro, Ga., and Folkston, Ga.: From Statesboro, Ga., over U.S. Highway 301 to Folkston, Ga., and return over the same route serving all intermediate points; (22) Between Waycross, Ga., and Brunswick, Ga.: From Waycross, Georgia over U.S. Highway 84 to Brunswick, Ga., and return over the same route serving all intermediate points; and (23) Between Macon, Ga., and Savannah, Ga.: From Macon, Ga., over Interstate Highway 16 to Soperton, Ga., thence over U.S. Highway 221 to its junction with U.S. Highway 280, thence over U.S. Highway 280 to Savannah, Ga., and return over the same route serving all intermediate points; Service will be performed at points in Georgia, South Carolina, and North Carolina and those points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, Pittsylvania, Henry, Franklin, and Nottoway Counties, Va., and those in Cumberland, Gloucester, Salem, Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, Middlesex, Monmouth, and Somerset Counties, N.J., not on the above described regular routes as off-route points in connection with such regular route operations. Restrictions: (1) Service at points in Georgia restricted to the transportation of traffic moving from, to or through points in South Carolina.

(2) Service at points in North Carolina west of U.S. Highway 25 restricted to traffic moving from, to or through Georgia other than those within 15 miles of Atlanta; and (3) Service at points in North Carolina east of a line formed by U.S. Highway 1 extending from the North Carolina-Virginia State Line to its junction with U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to its junction with U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Fort Fisher, N.C., and the Atlantic Ocean restricted to the transportation of traffic moving from, to or through points in Georgia other than those within 15 miles of Atlanta.

NOTE.—Common control may be involved. The purpose of this application is to convert the irregular route to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 32882 (Sub-No. 75), filed May 29, 1975. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 N. Columbia Boulevard, Portland, Ore. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles and aluminum products*, including but not limited to tubing and couplers, from points in Riverside County, Calif. and Twin Falls County, Idaho, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *aluminum articles and aluminum products*, including but not limited to tubing and couplers, and *irrigation equipment and accessories* used in the manufacture and installation of irrigation systems, from points in Spokane County, Wash., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 38170 (Sub-No. 29), filed June 6, 1975. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Street, Lincoln Park, Mich. 48146. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the S. S. Kresge Company located at Haggerty and Joy Roads, Canton Township (Wayne County), Mich., as an off-route point in connection with applicant's regular route operations at Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit or Lansing, Mich.

No. MC 42487 (Sub-No. 836), filed June 2, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert W. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), serving Tooele and Bauer, Utah as off-route points in connection with carrier's regular route authority authorizing service at Salt Lake City, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 42487 (Sub-No. 838), filed May 29, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, uncrated furniture, currency, bullion, articles of virtu, commodities requiring special equipment, those injurious or contaminating to other lading, and glass containers and closures for glass containers), serving Berkeley Springs, W. Va., and points in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Prince Georges, and Washington Counties, Md. as intermediate and off-route points in connection with carrier's presently authorized regular route operations to and from points in Maryland and West Virginia.

NOTE.—Applicant states that it presently holds authority acquired in MC-F-11840 to transport General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, glass containers and closures for glass containers), between points in Jefferson County, W. Va., on the one hand, and, on the other, all points sought in this application. The purpose of this application is to eliminate the gateway of points in Jefferson County, W. Va. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46280 (Sub-No. 76), filed June 2, 1975. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from St. Louis, Mo.; Louisville, Ky.; Omaha, Nebr.; Evansville and Vincennes, Ind., and points in that part of Indiana on and north of U.S. Highway 40, points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State Boundary line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State Boundary line, points in that part of Iowa on and east of U.S. Highway 65, points in that part of Minnesota on, east and south of a line beginning at the Iowa-Minnesota State Boundary line and extending along U.S. Highway 65 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State Boundary line, and points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State Boundary line, and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U.S. Highway 141 via Manitowoc, Wis., to the shore of Lake Michigan to the facilities of the S. S. Kresge Company at or near Canton, Mich.



NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 56082 (Sub-No. 69), filed May 30, 1975. Applicant: DAVIS & RANDALL, INC., P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Jefferson, Genesee, Livingston, Monroe, Niagara, Onondaga, Steuben, Tompkins, Wayne, and Wyoming Counties, N.Y., and New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 56553 (Sub-No. 31), filed June 4, 1975. Applicant: PULASKI HIGHWAY EXPRESS, INC., P.O. Box 1081, Nashville, Tenn. 37203. Applicant's representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Nashville, Tenn., and the plantsite of Ardco, Inc., located at Elkton, Ky.; from Nashville over U.S. Highway 41 to Hopkinville, Ky., thence over U.S. Highway 68 to Elkton, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 61440 (Sub-No. 150), filed May 2, 1975. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P.O. Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particle board*, from the warehouse and plant site of Kirby Lumber Company located at or near Silsbee, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 61592 (Sub-No. 355), filed May 28, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by mo-

tor vehicle, over irregular routes, transporting: *Pallets, and pallet materials, lumber and lumber products and boxes and crates and poles and posts* (except commodities in bulk), from points in Missouri, to points in Iowa, Illinois, Wisconsin, Ohio, Michigan, Indiana, Minnesota, Kansas, Pennsylvania, North Dakota, South Dakota, Colorado, Nebraska, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 551), filed June 2, 1975. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from Marseilles, Ill.; Doe Run, Ky.; Everette, Mass.; Cincinnati, Hanging Rock, Port Clinton, and Painesville, Ohio; Neville Island, Pa.; Knoxville, Tenn.; Freeport, Tex.; Moundsville and Nitro, W. Va. and Stoughton, Wisc., to the plant site of Uniroyal, Inc., located at Mishawaka, Ind.; (2) from Fords, N.J.; Cincinnati, Ohio; Neville Island, Pa. and Institute, W. Va., to the plant site of Uniroyal, Inc., located at Port Clinton, Ohio; (3) from Cincinnati, Ohio, to the plant site of Uniroyal, Inc., located at Stoughton, Wisc.; and (4) from Belle, Charleston, Institute, and Moundsville, W. Va., to points in Illinois, Indiana, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 72442 (Sub-No. 46), filed May 30, 1975. Applicant: AKERS MOTOR LINES, INCORPORATED, P.O. Box 10303, Charlotte, N.C. 28237. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Monroe, N.C., and Wadesboro, N.C., serving all intermediate points: From Monroe over U.S. Highway 74 to Wadesboro, and return over the same route, serving Ansonville, N.C., as an off-route points in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.; Greensboro, N.C.; or Washington, D.C.

No. MC 73165 (Sub-No. 365), filed May 30, 1975. Applicant: EAGLE MOTOR LINES, INC. P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Conveyors, bins, chip trailers, farm implements, and attachments* for farm implements, and (2) *parts, attachments and accessories* for the items named in (1) above, when moving therewith, from Paragould, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 78296 (Sub-No. 1), filed May 30, 1975. Applicant: MID-AMERICA COACH LINES, INC., P.O. Box 405, Brookfield, Wisc. 53005. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from points in Kenosha, Racine, Milwaukee, Waukesha, Walworth, Jefferson, and Rock Counties, Wisc.; points in Illinois on and north and east of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Interstate Highway 280, thence over Interstate Highway 280 to Moline, Ill., and the Illinois-Iowa State line; points in Indiana on, north and west of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Indiana State Highway 32, thence over Indiana State Highway 32 to Anderson, Ind., thence north over Indiana State Highway 9 to the Indiana-Michigan State line; and points in Michigan on, west and south of a line beginning at the Michigan-Indiana State line and extending over Michigan State Highway 66 to its junction with Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, Mich., and Lake Michigan, to points in the United States, including Alaska, but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82079 (Sub-No. 42), filed June 4, 1975. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen fruits*, from Sutton Bay, Mich., to points in Ohio, Chicago, Ill. and its Commercial Zone, and St. Louis, Mo.; (B) *canned goods*, from Sutton Bay, Mich., to Milwaukee, Wis. and Waukesha, Wis.; and (C) *frozen foods and products* requiring transportation in refrigerated equipment, from facilities and plant sites of Southern Michigan Cold Storage Co. in Benton Harbor, Mich., to points in Michigan, Indiana, and Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.



No. MC 83835 (Sub-No. 122), filed June 2, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 135 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated, (except oilfield); and (2) *materials and supplies* used in, or in connection with, the manufacture, fabricating or distribution of (1) above, between Manford and Sand Springs, Okla., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, restricted to shipments originating at or destined to the facilities of Southwest Tube Manufacturing at Manford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with other applications for similar authority.

No. MC 93840 (Sub-No. 20), filed May 27, 1975. Applicant: W W GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Indiana, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in the destination states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 101474 (Sub-No. 24), filed May 23, 1975. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, Ind. 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road building, excavating, grading, and underground construction machinery, and supplies, materials, and equipment*, used in road building, excavating, and grading and underground construction, between points in Illinois, on the one hand, and, on the other, points in Ohio.

NOTE.—The purpose of this filing is to eliminate the gateway at points in Indiana.

Applicant previously held authority to provide the proposed service by tacking MC 101474 and MC 101474 (Sub-No. 5), at points in Indiana. Applicant states such tacking would have been entirely covered by Ex Parte No. 55 (Sub-No. 8), but an appropriate letter-notice inadvertently was not filed.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 101735 (Sub-No. 4), filed June 9, 1975. Applicant: EDWARD G. GENTZKOW, doing business as GENTZKOW TRUCKING SERVICE, P.O. Box 98, LaMoure, N. Dak. 58458. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed for transportation of agricultural implements (except trailers designed to be drawn by highway truck-tractors), and *attachments and accessories*, for such trailers, from the plantsite and facilities of Lorak, Inc., at or near LaMoure, N. Dak., to points in North Dakota, South Dakota, Minnesota, and Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 102616 (Sub-No. 911), filed June 9, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from St. Paul, Minn., to Newton, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 105636 (Sub-No. 32), filed June 4, 1975. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Clarence William Vandegrift, Suite 303, 1709 New York Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders part IV of the Interstate Commerce Act, from Syracuse, N.Y., Buffalo, N.Y., Rochester, N.Y., Harrisburg, Pa., Pittsburgh, Pa., Cleveland, Ohio, Cincinnati, Ohio, and Detroit, Mich., to Jacksonville, Orlando, Tampa, Fort Pierce, West Palm Beach, Fort Lauderdale, and Miami, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 105813 (Sub-No. 203), filed June 5, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in containers, from Hartford, Conn., to points in Alabama, Florida,

Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Hartford, Conn.

No. MC 106497 (Sub-No. 119), filed June 2, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board insulation and insulated gypsum foam board panels*, from Salt Lake City, Utah and Dallas, Tex., to points in the United States including Alaska, but excluding Utah and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Denver, Colo.

No. MC 106497 (Sub-No. 120), filed June 3, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. 1-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, between the plantsites and facilities of FMC Corporation, located in Warren County, Ky., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment and supplies*, used in the manufacturing of items in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsites and facilities of FMC Corporation, in Warren County, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 165), filed June 3, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size and weight require use of special transportation equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Texas, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107403 (Sub-No. 945), filed June 9, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over



irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, in tank vehicles, from Sturgis, Ky., to points in Illinois, Indiana, and Kentucky; and (2) *cement*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near Wellesley Island, N.Y., to points in St. Lawrence, Jefferson, Oswego, Oneida, Onondaga, Wayne, Cayuga, Tompkins, Lewis, Madison, Cortland, Broome, Tioga, Chemung, and Steuben Counties, N.Y., restricted to traffic originating at Bath, Ontario.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 999), filed May 30, 1975. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrofluosilicic acid*, in bulk, from Montpelier, Iowa to points in Illinois, Wisconsin, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota; (2) *liquid chemicals*, in bulk, from Buffalo, Iowa, to points in Iowa, Illinois, and Missouri (except St. Louis, Mo., and East St. Louis, Ill.); and (3) *liquid fertilizer*, in bulk, from Kell, Ill., to points in Missouri, Kentucky, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 107993 (Sub-No. 39), filed June 2, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb casings*, between Garland, Tex., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108158 (Sub-No. 57), filed June 2, 1975. Applicant: MID-CONTINENT FREIGHT LINES, INC., 2711 North Fairview Avenue, St. Paul, Minn. 55113. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Western Electric Company, Inc., located at or near Goddard, Kans., as an off-route point in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 108393 (Sub-No. 91), filed May 30, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (a) between Vandalia, Ill., on the one hand, and, on the other, Clyde, Ohio, and St. Joseph, Mich.; (b) between Mentor, Ohio, and Bremen, Ind., on the one hand, and, on the other, St. Joseph, Mich.; and (c) between Brookville, Ind., on the one hand, and, on the other, Clyde, Findlay, and Marion, Ohio, and St. Joseph, Mich.; and (2) *gas and electrical appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (a) between Evansville, Ind., and Columbus, Ohio; and (b) between Findlay, Ohio, and St. Joseph, Mich., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109211 (Sub-No. 7), filed June 2, 1975. Applicant: SMITH'S, INC., P.O. Box 611, Marshall, Minn. 56258. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rafters and trusses*, from Minnesota, Minn., to points in Iowa and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 109397 (Sub-No. 314), filed June 2, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 912 (Bus Rte. I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, unassembled, in cartons, from Stockton, Calif., to points in and east of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 109533 (Sub-No. 70), filed May 30, 1975. Applicant: OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 60 and U.S. Highway 522 and the James River: From junction of U.S. Highway 60 and U.S. Highway 522 over U.S. Highway 522 to the James River and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 109692 (Sub-No. 30), filed June 9, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, 625 Livestock Exchange Bldg., 600 Genesee, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg. 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, attachments, implements and parts*, irrespective of their intended use, from points in the Kansas City, Mo.-Kans. Commercial Zone, to points in Arkansas, Colorado, Iowa, Missouri, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas state line and extending along U.S. Highway 62, to Oklahoma City, Okla., and thence along U.S. Highway 66, to the Oklahoma-Texas state line and points in Texas on and north of a line beginning at the Louisiana-Texas state line, thence along Interstate Highway 20, to Roscoe, Tex., and thence along U.S. Highway 84, to the Texas-New Mexico state line; and (2) *damaged, refused and retendered commodities*, as described above, from the destination States described in (1) above, to the Kansas City, Mo.-Kans. Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111848 (Sub-No. 6), filed June 3, 1975. Applicant: FLOYD E. HUBBARD, JR., 105 Clay Street, North East, Pa. 16428. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad diesel engine parts*, between Olean, N.Y., on the one hand, and, on the other, points in Iowa, under a continuing contract or contracts with Van Der Horst Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 112822 (Sub-No. 376), filed June 2, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehi-



cle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen (except commodities in bulk), (1) from points in California, Idaho, Oregon and Washington, to Clearfield and Ogden, Utah; and (2) from Clearfield and Ogden, Utah, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Mississippi, Missouri, New Mexico, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted in part (2) to traffic destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or San Francisco, Calif.

No. MC 113024 (Sub-No. 138), filed June 2, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from Seagraves, Tex., to McCook, Nebr., and Wilmington, Del., under a continuing contract or contracts with Electric Hose & Rubber Co., at Wilmington, Del.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 590), filed April 28, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from the plantsite and storage facilities of Ragu Foods, Inc. at Owensboro, Ky., to points in Kansas, Nebraska, Iowa, Minnesota, California, Colorado, Missouri, Wisconsin, Illinois, Alabama, Florida, Georgia, Louisiana, and Michigan, restricted to traffic originating at the above named origins and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, or Rochester, N.Y.

No. MC 113855 (Sub-No. 318), filed May 29, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdell, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, flakeboard and hardboard*, from Flagstaff, Ariz., to points in California, Kentucky, Indiana, Ohio, Wisconsin, Illinois, Iowa, Minnesota, Nebraska, the Lower Peninsula of Michi-

gan, and that part of Missouri on and east of U.S. Highway 65.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz. or Washington, D.C.

No. MC 114019 (Sub-No. 261), filed June 9, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned and preserved*, from Bowling Green, Fremont, and Toledo, Ohio, to points in Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114045 (Sub-No. 422), filed June 9, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, (1) from Newark, N.J., to Alameda, Berkeley, and Long Beach, Calif. and (2) from Newark, N.J., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114118 (Sub-No. 1), filed June 2, 1975. Applicant: MARSHALL McFARLAND, R.F.D. #1, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Circleville, Ohio, to points in Pennsylvania, under a continuing contract or contracts with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 114273 (Sub-No. 234), filed May 27, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling and floor covering material and supplies and carpet*, from Marietta and Lancaster, Pa., to Kansas City, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114571 (Sub-No. 2), filed May 29, 1975. Applicant: YODER TOURWAYS, INC., P.O. Box 8, Route 103, Mat-tawana, Pa. 17054. Applicant's representative: Henry M. Wick, Jr., 2310 Grant

Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in (1) special operations, in round trip sightseeing and pleasure tours, and (2) round trip charter operations, beginning and ending at points in Mifflin County, Pa., and extending to points in Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, the District of Columbia, and Mt. Vernon, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 114896 (Sub-No. 30), filed May 27, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous drugs*, from New York, N.Y., and Sommerville, N.J., to St. Louis, Mo., under contract with Mallinckrodt Chemical Works.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115113 (Sub-No. 31), filed June 2, 1975. Applicant: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby, 920 32nd Ave. West, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, restricted to traffic originating at the above origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 115924 (Sub-No. 29), filed June 4, 1975. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweeteners*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Ohio and Indiana, under a continuing contract or contracts with Savannah Foods & Industries, Inc.



NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116325 (Sub-No. 72), filed June 2, 1975. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis.; Peoria, Ill.; and Evansville, Ind., to points in Missouri on and south of U.S. Highway 66; (2) *pallets, and empty containers*, from points in Missouri on and south of U.S. Highway 66, to Milwaukee, Wis.; Peoria, Ill.; and Evansville, Ind.; (3) *malt beverages, and related advertising material*, from Dubuque, Iowa, to points in Missouri; and (4) *pallets and empty containers*, from points in Missouri, to Dubuque, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 117068 (Sub-No. 49), filed May 27, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Michigan, Minnesota, and Wisconsin; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in Illinois, Michigan, Minnesota, and Wisconsin, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to, the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 117068 (Sub-No. 50), filed June 4, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile hydraulic hammers* (except self-propelled articles each weighing 15,000 lbs. or more), from the plant site and other facilities of East Moline Metal Products Co., located at Moline, Ill., to points in the United States (except Illinois, Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above from the above-described destination points to the said plant site and facilities of the named shipper.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 539), filed May 14, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital supplies*, including underpads, gowns, and sheets, from the manufacturing facilities of Fibre Formations, Inc., at Philadelphia, Pa., to Sioux City, Des Moines, Cedar Rapids, and Ft. Dodge, Iowa; Grand Island and Omaha, Nebr.; Sioux Falls, S. Dak.; Kansas City, Mo.; Amarillo, Tex.; Little Rock, Ark.; and Minneapolis, Minn.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117765 (Sub-No. 194), filed June 9, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Nonfrozen foodstuffs* (except meat and meat by-products), in containers, from the plantsite and facilities of National Oats Company located at or near Cedar Rapids and Wall Lake, Iowa, to points in Illinois, Indiana, Florida, Minnesota, North Carolina, North Dakota, South Carolina, South Dakota, and Wisconsin; and (b) *salt seasoning*, in containers, from Marion, Ala., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118475 (Sub-No. 5), filed June 2, 1975. Applicant: H & S WAREHOUSE, INC., P.O. Box 227, Fairbanks, Alaska 99701. Applicant's representative: George L. Benesch, 608 West 4th Ave., Suite 30, Anchorage, Alaska 99501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and lubricating non-fuel fluids, including waste oils*, in bulk, between Fairbanks, Alaska on the one hand, and, on the other, points on the trans-Alaska oil pipeline route from Prudhoe Bay to Valdez, including points in Alaska within 25 miles of said trans-Alaska oil pipeline route, under a continuing contract or contracts with Continental Oil Company, located at Houston, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fairbanks, Alaska, or Anchorage, Alaska.

No. MC 118978 (Sub-No. 9), filed May 27, 1975. Applicant: MERCURY PRODUCE EXPRESS LTD., 2201 Rosser Street, Burnaby, British Columbia, Can-

ada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paper*, from Burnaby, British Columbia, Canada, through points on the International Boundary line between the United States and Canada, at or near Blaine, Wash., to Spokane, Wash.; Pocatello, Lewiston, Boise, and Twin Falls, Idaho; Ogden and Salt Lake City, Utah, and points in Clark County, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119441 (Sub-No. 38), filed May 21, 1975. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products*, from Summerville and Lewis Run, Pa., to points in the United States on and east of a line beginning at the International Boundary line between the United States and Canada and extending along the western boundaries of Minnesota, Iowa, and Missouri to the northern boundary of Kansas, thence westerly along the northern boundary to the western boundary of Kansas, and thence southerly along the western boundaries of Kansas, Oklahoma, and Texas to the International Boundary line between the United States and Mexico; and (2) *materials and supplies* used in the manufacture and distribution of brick and clay products (except commodities in bulk), from points in the above described destination area, to Summerville and Lewis Run, Pa. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119441 (Sub-No. 39), filed May 21, 1975. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products* (except commodities in bulk), from Ava, Ohio, to points in that part of the United States east of the western boundaries of the states of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi; and (2) *supplies and materials*, used in the manufacture and sale of brick and clay products (except commodities in bulk), from points in that part of the United States east of the western boundaries of the states of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, to Ava, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119988 (Sub-No. 83), filed June 3, 1975. Applicant: GREAT WEST-



ERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail department stores and materials, equipment and supplies* utilized in the distribution thereof, between points in Texas, on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120879 (Sub-No. 2), filed April 18, 1975. Applicant: GENERAL MOVERS, INC., P.O. Box 392, East St. Louis, Ill. 62202. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois, restricted so as to preclude service to or from any Commercial Zone point located outside of Illinois.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration, MC 120879 (Sub-No. 1), to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123407 (Sub-No. 242), filed June 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Burns Harbor, Ind.; Detroit, Mich.; Philadelphia, Pa.; Cleveland, Ohio; Newark, N.J.; Houston, Tex.; New Orleans, La.; and Baltimore, Md., to points in Texas, and points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., or New York, N.Y.

No. MC 123407 (Sub-No. 243), filed June 9, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, and parts, attachments, and accessories*, from iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana,

Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 123407 (Sub-No. 244), filed June 9, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Dollar Bay, Mich., to points in Montana, Wyoming, Utah, Arizona, Nevada, California, Idaho, Oklahoma, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124230 (Sub-No. 21) (Correction), filed May 14, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, as MC 124230 (Sub-No. 822), and republished as corrected, this issue. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Ores and concentrates*, in bulk, (1) between points in Mesa, Garfield, Montrose, and Delta Counties, Colo., and McKinley and Sandoval Counties, N. Mex.; (2) from Mineral County, Colo., to Otero and Las Animas Counties, Colo., and Sandoval County, N. Mex., and Sage and Washington Counties, Okla.; (3) from Piute County, Utah to San Miguel County, Colo.; and (4) from San Miguel, Ouray, and San Juan Counties, Colo., to Kellogg, Idaho, East Helena, Mont., and Corpus Christi, Tex.; (b) *vanadium residues*, in bulk, between points in Mesa, Garfield, Montrose, and Delta Counties, Colo., and McKinley County, N. Mex.

NOTE.—The purpose of this republication is to correct the docket number which was previously published as MC 124230 (Sub-No. 822). If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124251 (Sub-No. 35), filed May 30, 1975. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene glycol and Toluene-Diisocyanate*, from points in Whitfield County, Ga., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124813 (Sub-No. 129), filed May 27, 1975. Applicant: UMT HUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa

50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Missouri, Montana, Nebraska, and South Dakota; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the above named destination states, to the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128021 (Sub-No. 19), filed June 6, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, vermiculite, and hickory chips*, in bags, and *lighter fluid and wax impregnated fireplace logs*, from points in Pulaski County, Ky., to points in Michigan; (2) *materials and supplies* used in the manufacture of charcoal, charcoal pellets, vermiculite, lighter fluid, hickory chips, and fireplace logs, from points in Arkansas, Florida, Georgia, Mississippi, Louisiana, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, and Virginia, to Dothan, Ala.; (3) *materials and supplies* used in the manufacture of charcoal, vermiculite, and hickory chips, lighter fluid, and wax impregnated fireplace logs, from points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Pulaski County, Ky.; and (4) *materials and supplies* used in the manufacture of charcoal, vermiculite, and hickory chips, charcoal lighter fluid (naphtha distillate) and waxed impregnated fireplace logs, from points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California, to Springfield, Ore., (1) through (4) under a continuing contract or contracts with The Kingsford Company. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128075 (Sub-No. 35), filed June 2, 1975. Applicant: LEON JOHNSTON, P.O. Box 447, Cresco, Iowa 52136. Applicant's representative: Leon Johnston (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from New Ulm, Minn., to points in Ohio, Pennsylvania, New York, New Jersey, Con-



necticut, Rhode Island, and Massachusetts, restricted to shipments originating at the above-named origin and destined to the above-named destinations; and (2) *materials, supplies and equipment* used in the manufacture and production of dairy products and agricultural commodities which are otherwise exempt under Section 203(b) (6) of the Interstate Commerce Act, from the above-named states to New Ulm, Minn., restricted to shipments originating at the above-named origins and destined to the above-named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Washington, D.C.

No. MC 128469 (Sub-No. 3), filed June 4, 1975. Applicant: A & A TRANSFER & STORAGE, INC., P.O. Drawer "A", Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Walton Beach, or Pensacola, Fla.

No. MC 128951 (Sub-No. 15), filed June 9, 1975. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden St., New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed* (except commodities in bulk, in tank vehicles), from Mankato, Minn., to points in Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 129253 (Sub-No. 6), filed June 2, 1975. Applicant: P & H TRUCKING COMPANY, P.O. Box 15099, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, pipe fittings, valves and sprinkler equipment*, from Salt Lake City, Utah, to points in Idaho, Nevada, California, Montana, Oregon, Washington, Colorado, Nebraska, Arizona, New Mexico, Iowa, South Dakota, and Wyoming, under a continuing contract or contracts with Dahn Brothers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129480 (Sub-No. 20), filed May 30, 1975. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550-71 Avenue SE., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Edward T. Lyons, Jr., Suite 1600, Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board*, from the plantsite and storage facilities of Big Horn Gypsum Products Company located at or near Cody, Wyoming, to points on the International Boundary line between the United States and Canada located in the states of Montana and North Dakota, restricted to the transportation of traffic moving to points in Canada in the Provinces of Alberta, Manitoba and Saskatchewan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 129600 (Sub-No. 21) (Correction), filed April 14, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, republished as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, restaurant supplies and equipment (except in bulk), plastic articles, games, toys, notions, novelties, costume jewelry, chinaware, earthenware and pottery*, from Bedford, Pa., to points in Illinois, Indiana, Maryland, Michigan, and Ohio; (2) *Foodstuffs, restaurant supplies and equipment (except in bulk)*, (a) from Baltimore, Md., to points in Delaware, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) from Chicago, Ill., to points in California, Georgia, Florida, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Texas, and Montana; and (c) from Miami, Fla., to points in California, Georgia, Illinois, Maryland, New Jersey, Massachusetts, New York, Ohio, Pennsylvania, and Texas; (3) *orange juice and grapefruit juice (except in bulk)*, from Dade City, Fla., to points in California, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Texas; (4) *potatoes, frozen*,

(a) From points in Maine, to points in Georgia and Maryland; and (b) from Grand Forks, Nebr., to points in Georgia, Maryland, and Massachusetts; (5) *sugar, beet or cane (except raw and except in bulk)*, from points in Ohio, to points in California, Georgia, Florida, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Texas; (6) *foodstuffs, except in bulk*, from Harrison and Saddlebrook, N.J., and Biglerville, Pa., to points in Georgia, Illinois, Maryland, Ohio, and Texas; (7) *carbonated beverages*, from Garfield, N.J., to points in Georgia, Illinois, Maryland, Ohio, and Texas; (8) *chemicals, cleaners, deter-*

*gents, cleaners and wax (except in bulk)*, from Avenel, N.J., to points in Georgia, Maryland, Ohio, Illinois, and Pennsylvania; (9) *boxes, cylindrical, fibreboard, paper or pulpboard, other than corrugated, with tops or bottoms of same or other materials, with tops and bottoms detached from bodies and bottoms enclosed in tops, bodies nested in boxes*, (a) Fulton, N.Y., to points in Florida, Illinois, Maryland, and Massachusetts; and (b) from Kansas City, Kans., to points in Florida, Illinois, Maryland, and Massachusetts; (10) *glassware*, from Dunkirk, Ind., to points in California, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Texas; and (11) *returned and rejected shipments* of the commodities described in (1) through (10) above, from the destination points described in (1) through (10) above, to the origins respectively set forth in (1) through (10) above, under a continuing contract or contracts with Howard Johnson Company.

NOTE.—The purpose of this republication is (1) to correct the commodity description in part (5), and (2) add the contracting shipper, Howard Johnson Company which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 133119 (Sub-No. 67) (Correction), filed May 12, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, republished as corrected this issue. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass beads, glass spheres, and glass cullet*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in Nevada, Arizona, New Mexico, and California; and (2) *thermoplastic marking material*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, from Moose Jaw, Saskatchewan.

NOTE.—The purpose of this republication is to correct the territorial description in part (2) of this proceeding. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minot, N. Dak.

No. MC 133189 (Sub-No. 8), filed June 10, 1975. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4610 IDS Center, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-



ing: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the United States (including Alaska, but excluding Hawaii), to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, or Minneapolis, Minn.

No. MC 133219 (Sub-No. 12), filed June 2, 1975. Applicant: PARKS TRANSPORTS, INC., Box 10, Greenwood, Nebr. 68366. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybeans and soybean products* (except liquid commodities in bulk), between Fremont and Lincoln, Nebr., on the one hand, and, on the other, points in Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Illinois, Wisconsin, Utah, Arizona, Nevada, Washington, Oregon, and California, restricted to the transportation of shipments originating at the facilities of Archer-Daniels-Midland Co., Inc., located at the above-named origins and destined to the above-named States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 133590 (Sub-No. 8), filed June 2, 1975. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pork carcasses, pork byproducts and offal* (except commodities in bulk and hides), from points in Illinois, Indiana (except Worthington), Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, to the plant sites and storage facilities of Western Pork Packers, Inc. at Bronx, N.Y. and Worcester, Mass.; and (2) *pork products, pork byproducts and offal* (except commodities in bulk and hides), from the plant sites and storage facilities of Western Pork Packers, Inc. at Bronx, N.Y. and Worcester, Mass., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin under a continuing contract or contracts with Western Pork Packers, Inc. (N.Y. Corporation) and Western Pork Packers, Inc. (Mass. Corporation).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either

Worcester, Mass., New York, N.Y., Philadelphia, Pa. or Washington, D.C.

No. MC 133591 (Sub-No. 19), filed June 3, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, drugs and insecticides*; from Lee's Summit, Mo., to points in New Mexico; and (2) *drugs and insecticides*, from Lee's Summit, Mo., to points in California, Arizona, Nevada, Utah, and New Mexico.

NOTE.—Applicant holds motor contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134388 (Sub-No. 8), filed May 28, 1975. Applicant: HOME RUN, INC., Three North Sycamore Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures* used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement): (1) from Jamestown, Ohio; Eightyfour and Wampum, Pa.; Victor, N.Y.; and Fredericksburg, Va., to points in the United States (except Alaska and Hawaii); and (2) between Victor, N.Y.; Fredericksburg, Va.; Eightyfour, Wampum, and Coraopolis, Pa.; and Chardon and Jamestown, Ohio, under a continuing contract or contracts with Ryan Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Pittsburgh, Pa.

No. MC 134493 (Sub-No. 1), filed June 5, 1975. Applicant: CHICAGO-ST. LOUIS TRANSPORT, 1401 Channahon Road, Joliet, Ill. 60436. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, from Alsip, Ill., to Baldwin, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134599 (Sub-No. 128), filed June 2, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and pulpwood, and equipment, materials and supplies* used in the manufacture and production of the aforementioned com-

modities (except commodities in bulk, or which because of size or weight require special handling or equipment), between Brownville, N.Y., on the one hand, and, on the other, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Vermont, Maine, and the District of Columbia, under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 129), filed May 29, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and chemicals, equipment, materials and supplies* used in the manufacture and production thereof (except in bulk, in tank vehicles), from Shelbyville, Tenn.; Scottsville, Va.; and Winnsboro, S.C., to Salem, Va.; West Haven, Conn.; Bowling Green, Ky.; Natchez and Tupelo, Miss.; West Helena, Ark.; Baltimore, Md.; Des Moines, Iowa; Mansfield, Akron, and Leavittsburg, Ohio; Indiana, Pa.; Nashville, Tenn.; and Hanford, Calif., under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—Applicant holds motor common carrier authority in MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134631 (Sub-No. 24), filed June 2, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. BOX 406, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l. Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Arcadia, Wisc., to points in Arizona, Arkansas, California, Connecticut, Delaware, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming, restricted to the transportation of traffic originating at the plant sites and storage facilities of Ashley Furniture Company at or near Arcadia, Wis., under a continuing contract or contracts with Ashley Furniture Company.

NOTE.—Applicant holds motor common carrier authority in MC 118202 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134783 (Sub-No. 33), filed June 2, 1975. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative:



Charles J. Kimball, 1612 Court Place, Suite 646, Metropolitan Bldg., Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vending machines, confectionery products, chocolates, and related chocolate items*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Ford Gum Company located at or near Akron, N.Y., to points in Missouri and Iowa, and points in the United States in and west of Montana, Wyoming, Kansas, Colorado, Oklahoma, and Texas.

NOTE.—Applicant holds motor contract carrier authority in MC 139309 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134889 (Sub-No. 2), filed June 6, 1975. Applicant: CITRUSALES, INC., P.O. Box 9094, Winter Haven, Fla. 33880. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Citrus products*, in bulk, in compartmental tank vehicles, from the plantsite of Redd Orange Concentrates, Inc., located at or near Lakeland, Fla., to points in Tennessee, Ohio, Virginia, New York, Connecticut, Maryland, New Jersey, Pennsylvania, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Tampa, Fla.

No. MC 134922 (Sub-No. 133), filed June 2, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earthenware*, from Roseville, Ohio, to points in Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Little Rock, Ark.

No. MC 134922 (Sub-No. 134), filed June 9, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rubber and plastic articles*, from Chillicothe, Ohio, to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Cincinnati, Ohio.

No. MC 135082 (Sub-No. 18), filed June 9, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Recyclable scrap and waste materials* (except in bulk), from points in California, Colorado, Kansas, Missouri, New Mexico, Nevada, Oklahoma, Texas, and Utah, to points in Navajo County, Ariz.

NOTE.—Applicant holds contract carrier authority in MC 115524 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 135170 (Sub-No. 6), filed June 4, 1975. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products*, containers and products produced or distributed by manufacturers and converters or paper and paper products (except commodities in bulk), from Milville, N.J. (Cumberland County) to points in Virginia, North Carolina, and Maryland, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135684 (Sub-No. 14), filed May 21, 1975. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ornamental iron products and accessories*, from the plantsite or other facilities of Leslie-Locke, at Lodi, Ohio, to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Michigan, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies*, used in the production, sale, or distribution of the commodities described in (1) above, from the destination points specified in (1) above, to the shipper specified in (1) above, at Lodi, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135713 (Sub-No. 5), filed June 3, 1975. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from St. Clair, Mich., to Springfield, Mass.; points in the New York, New York Commercial Zone; points in Long Island, N.Y.; and

those points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Somerset and Union Counties, N.J., under contract with Diamond Crystal Salt Co.

NOTE.—Applicant holds common carrier authority in MC 139539 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135797 (Sub-No. 40), filed June 6, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned grapefruit juice, and citrus fruits* when moving in mixed shipments with commodities subject to economic regulation; and (2) *prepared foods or food-stuffs, paper napkins, and coasters and china or ceramic plates*, when moving in mixed shipments with citrus fruits or canned grapefruit juice, from Donna, Tex., and Alamo, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at McAllen, or Corpus Christi, Tex.

No. MC 136087 (Sub-No. 2), filed June 3, 1975. Applicant: JAMES E. CHELF, WILLIAM F. SHARP, JR., ALVIN CO., ELLIOTT AND LOY GENE COKER doing business as JIM CHELF AND ASSOCIATES, 5226 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Telephone and telegraph equipment, materials and supplies* (except central office switching equipment and station apparatus), between Omaha, Nebr., on the one hand, and, on the other, points in Colorado, under a continuing contract or contracts with Mountain States Telephone and Telegraph Company (Mountain Bell) of Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136212 (Sub-No. 15), filed May 27, 1975. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber packing, rubber products, materials, equipment, machinery, mixed compounds and supplies*, used in the manufacture of the above named



commodities; and (2) *paper, tubes, boxes and repair parts*, for machinery (except commodities in bulk, in tank vehicles), between ports of entry located on the International Boundary line at or near Niagara Falls and Buffalo, N.Y., and Port Huron and Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to, the facilities of Goshen Rubber Company, at Brampton, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 136689 (Sub-No. 4) (Correction), filed April 1, 1975, published in the FEDERAL REGISTER issue of May 1, 1975, republished as corrected this issue. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cooking oils; animal litter; and bleaching and cleaning compounds*, in containers, from Houston, Tex., to points in Oklahoma, under a continuing contract with The Clorox Company of Oakland, Calif.

NOTE.—The purpose of this republication is to show the name of the contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 136786 (Sub-No. 75), filed June 6, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, and vermicelli*, with or without other ingredients, (1) from Minneapolis, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) from Fairlawn, N.J., to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136818 (Sub-No. 10), filed June 11, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic granules*, from Plaquemine, La., to Malad City, Idaho, and Fallon, Nev.

NOTE.—Applicant holds contract carrier authority in MC 136897 and subs thereunder,

therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Salt Lake City, Utah.

No. MC 136916 (Sub-No. 11), filed May 28, 1975. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, from New York, N.Y., to points in Connecticut; and (2) *salt in packages, pepper*, in packages, in mixed shipments with salt in packages, and *materials and supplies* used in the agricultural, water treatment food processing, wholesale grocery, and institutional supply industries, in mixed shipments with salt in packages, from the facilities of Morton Salt Company, Division of Morton-Norwich Products, Inc., located at or near Silver Springs, N.Y. (Wyoming County, N.Y.), to points in the New York, N.Y. Commercial Zone as defined by the Commission, restricted to traffic originating at the above origin and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 136989 (Sub-No. 11), filed May 8, 1975. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth Street, NE., Albuquerque, N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plants of Amtico Flooring Division, American Biltrite, Inc., located at or near Norwood, Mass., and Trenton, N.J., to points in New Mexico, Arizona, Colorado, Utah, California, Washington, Oregon, Montana, Idaho, Nevada, and El Paso County, Tex., under a continuing contract or contracts with Amtico Flooring Division, American Biltrite, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 138313 (Sub-No. 17), filed May 27, 1975. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil seed meal*, from points in Montana, to points in Oregon, Washington, Colorado, Wyoming, and Nebraska.

NOTE.—Applicant holds contract carrier authority in MC 126780, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Great Falls, Mont.

No. MC 138335 (Sub-No. 1), filed June 2, 1975. Applicant: HARTLEY OIL COMPANY, INC., Route 2, South, P.O. Box

398, Ravenswood, W. Va. 26164. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric cable on reels*, from Baltimore, Md., to points in West Virginia; and (2) *empty reels*, from points in West Virginia, to Baltimore, Md., under a continuing contract or contracts with Western Electric Company, Inc.

NOTE.—Applicant holds common carrier authority in MC-133288, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va., or Columbus, Ohio.

No. MC 138469 (Sub-No. 15), filed June 2, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell Street, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, household and industrial cleaning products, brooms, brushes, mops, and promotional materials and supplies, materials, and machinery* used in the manufacture thereof (excluding commodities in bulk, in tank vehicles), between the plantsite of Fuller Brush Company located at or near Great Bend, Kans., on the one hand, and, on the other, the facilities of Fuller Brush Company at Pennsauken, N.J.; Farmingdale and New York, N.Y.; Lansing, Ill.; Atlanta, Ga.; Los Angeles and Oakland, Calif.; and Seattle, Wash.

NOTE.—Applicant holds contract carrier authority in MC 136375 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Bend, Kans.; Chicago, Ill.; or Oklahoma City, Okla.

No. MC 138578 (Sub-No. 3), filed May 30, 1975. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *corrugated boxes, paper and paper products*, from McAllen, Tex., to points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Oklahoma, and Mississippi, under a continuing contract or contracts with Valley Corrugated Box, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 138627 (Sub-No. 6), filed June 2, 1975. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles, crushed agricultural implements,*



crushed appliances, and scrap metals, between points in Kansas, Oklahoma, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, Michigan, Wisconsin, Illinois, Indiana, Tennessee, Kentucky, Colorado, and Midlothian, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138882 (Sub-No. 7), filed June 10, 1975. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets*, from the facilities of Elba Pallets, Inc., located at or near Elba, Ala., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 138896 (Sub-No. 12) (Partial correction), filed April 11, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, republished as corrected, this issue. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (4) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Minneapolis-Saint Paul, Minn., to points in Minnesota; points in Ontonagon and Gogebic Counties, Mich.; points in Vilas, Iron, Ashland, Bayfield, Douglas, Burnett, Washburn, Sawyer, Price, Taylor, Bush, Barron, Polk, Saint Croix, Dunn, Chippewa, Clark, Wood, Eau Claire, Pepin, Pierce, Buffalo, Jackson, Trempealeau, La Crosse, Monroe, Juneau, Vernon, Crawford, Richland, and Sauk Counties, Wis., and points in that part of Marathon County, Wis., on and west of Wisconsin Highway 97; and points in Cass and Grand Forks Counties, N. Dak.

NOTE.—The purpose of this partial correction is to show the location of Cass and Grand Forks, N. Dak. The rest of the application remains the same. Applicant holds contract carrier authority in MC 119391 Sub 1 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138946 (Sub-No. 7) (Correction), filed April 21, 1975, published in the FEDERAL REGISTER issue of May 22, 1975, republished as corrected, this issue. Applicant: MARKET TRANSPORT, LTD., 33 NE. Middlefield Road, Portland, Oreg. 97211. Applicant's representative:

Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Cucumbers, pickled*, in drums or tote bins, from Stockton and Modesto, Calif., to Portland and Scappoose, Oreg.; (2) *spices*, from Gilroy, San Francisco, and Vacaville, Calif., to Portland and Scappoose, Oreg.; (3) *sugar*, in sacks, from Woodland and Sacramento, Calif., to Portland and Scappoose, Oreg.; (4) *salt*, in sacks, from Oakland and San Leandro, Calif., to Portland and Scappoose, Oreg.; (5) *labels*, printed, from San Francisco, Calif., to Portland and Scappoose, Oreg.; (6) *fibre, metal, plastic or steel drums; fibre or plastic pails; glass or plastic bottles and caps or lids*, for glass or plastic bottles; *cans, iron or steel, and can ends; cardboard boxes or cartons*, from Los Angeles, Pacoima, and Hayward, Calif., to Portland and Scappoose, Oreg.; and (7) *commodities*, otherwise exempt from economic regulations under Section 203(B) (6) of the Interstate Commerce Act, when moving in mixed shipments with commodities described in paragraphs (1) through (6) above, under contract with Steinfeld's Products Company.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138956 (Sub-No. 2), filed May 30, 1975. Applicant: ERGON TRUCKING, INC., 202 E. Pearl Street, Jackson, Miss. 39201. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Water, drilling mud, oil spillage, oil emulsion and basic sediments* in connection with oil and gas exploration, production and discovery, in bulk, between points in Alabama, Mississippi, Louisiana, and Florida; and (2) *Crude oils, condensates, and distillants* between points in Alabama and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 139945 (Sub-No. 3), filed May 29, 1975. Applicant: ARNOLD M. TWEEDIE doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the warehouse of Twin City Fruit and Produce at Lewiston, Maine, under a continuing contract or contracts with Twin City Fruit and Produce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine or Boston, Mass.

No. MC 140352 (Sub-No. 1), filed June 4, 1975. Applicant: HENRY J. WILKINSON, doing business as INYO-MONO BODY SHOP, 387 North Warren Street,

Bishop, Calif. 93514. Applicant's representative: Henry J. Wilkinson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wrecked or disabled trucks, cars, tractors, and trailers*; (2) *trailers* designed to be pulled by autos, trucks, tractors, semi-trailers, full trailers, and house trailers; and (3) *replacement vehicles, motor homes, pole trailers, and mobile homes*, by wrecker-type vehicles, between points in Inyo and Mono Counties, Calif., and Esmeralda, Nye, and Mineral Counties, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev., or Los Angeles, Calif.

No. MC 140537 (Sub-No. 2), filed May 30, 1975. Applicant: WESTERN TURF EXPRESS LTD., 3515—76 Avenue, R.R. No. 2, South Edmonton, Alberta, Canada, T6C 4E6. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle with such horses, *feed, stable equipment, and supplies* used in their care and exhibition, *livestock tack and show equipment; and personal effects* of their attendants, trainers and exhibitors, between ports of entry on the International Boundary line between the United States and Canada located at or near East Port, Idaho; Noyes, Minn.; Sweetgrass, Mont.; Portal, N. Dak.; Blaine and Sumas, Wash.; and points in Arizona, California, Colorado, Idaho, Kentucky, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 140597 (Sub-No. 2), filed June 2, 1975. Applicant: DON'S TOWING SERVICE, 723 Earle St., Mullan, Idaho 83846. Applicant's representative: Michael D. Duppenhaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, in truck-away service, (1) between points in Shoshone County, Idaho and Mineral County, Mont.; and (2) between points in Shoshone County, Idaho and Mineral County, Mont., on the one hand, and, on the other, Spokane, Wash. and Missoula, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Coeur d'Alene, Idaho.

No. MC 140705 (Sub-No. 1), filed June 9, 1975. Applicant: CABRILLO MOVING SERVICE, INC., 206 West 35th St., National City, Calif. 92050. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego County, Calif., restricted to the transportation of traffic having a prior or sub-



sequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either, San Diego or National City, Calif.

No. MC 140748 (Sub-No. 2), filed June 10, 1975. Applicant: DICKIE L. SISLER, Box 33, Wiota, Iowa 50274. Applicant's representative: Dickie L. Sisler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and paperback books*, from Columbia, Mo., to Concordia, Kans.; and Beatrice and Norfolk, Nebr., under a continuing contract or contracts with Mid-Continent News Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 140839 (Sub-No. 1), filed June 4, 1975. Applicant: NEIL R. JACOBS, doing business as DUTCH MILL TRUCKING, R.R. 1, Sparta, Wis. 54656. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions and liquid feeds*, in bulk, in tank vehicles, from the plant site and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, to points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota; and (2) *materials, equipment and supplies* used or useful in the manufacture, production, sale or distribution of the commodities specified in part (1) above, in bulk, in tank vehicles, from points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota to the plant site and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, under a continuing contract or contracts with NaChurs Plant Food Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Red Oak, Iowa, or Madison, Wis.

No. MC 140863, filed April 11, 1975. Applicant: AMALGAMATED TRANSPORTATION, INC., Route No. 2, Cedar Rapids, Iowa 52401. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (3)

between points in Pennsylvania, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140874, filed April 23, 1975. Applicant: SCHREIBER EXPRESS, INC., 1111 East Madison Avenue, Tampa, Fla. 33602. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Suite 404, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between: (1) points in Florida on, east and north of a line beginning at the Florida-Georgia State Boundary line and extending southerly along U.S. Highway 441 to Gainesville, Fla., thence easterly along Florida Highway 20 to intersection Florida Highway 100, and thence easterly along Florida Highway 100 to the Atlantic Ocean at Beverly Beach, Fla.; (2) points in Florida on and south of a line beginning at the Atlantic Ocean at Ormond Beach, Fla., and extending westerly along Florida Highway 40 to the Gulf of Mexico near Yankeetown, Fla., and on and north of a line beginning at the Atlantic Ocean at Fort Pierce, Fla., and extending westerly along Florida Highway 70 to intersection Florida Highway 72 at or near Arcadia, Fla., and thence westerly along Florida Highway 72 to the Gulf of Mexico at Siesta Key, Fla.; and (3) points in Florida on, south and east of a line beginning at Palm Beach, Fla., and extending westerly along U.S. Highway 98 to intersection U.S. Highway 441, thence westerly along U.S. Highway 441 to Belle Glade, Fla., thence southerly and westerly along an unnumbered highway to South Bay, Fla., thence westerly along U.S. Highway 27 to intersection Florida Highway 80, thence westerly along Florida Highway 80 to intersection Florida Highway 29, and thence southerly along Florida Highway 29 to the Gulf of Mexico at or near Everglades City, Fla., including points located on the Florida Keys, restricted to shipments having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 140918 (Correction), filed April 25, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, republished as corrected this issue. Applicant: ROGER P. MANN, doing business as R. P. M. TRUCKING SERVICE, 9152 South Trumbull, Evergreen Park, Ill. 60642. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Packaging products and adhesives* between points in Kentucky, Michigan, Illinois, Ohio, Iowa, Wisconsin, and Tennessee, on the one hand, and, on the other Michigan City, Ind., and (2) *Materials and supplies* used in the manufacture of products in (1) above from points in the above-named destinations, to points in Michigan City, Ind. under a continuing contract or contracts with Boone Box Co., Louisville, Ky.

NOTE.—The purpose of this republication is to correct the territorial description in part (1). If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Louisville, Ky.

No. MC 140924 (Correction), filed April 29, 1975 and published in the FEDERAL REGISTER issue of June 5, 1975, and republished as corrected this issue. Applicant: ROBERT TASSO, doing business as FIVE STAR TOWING, 3757 New York Avenue, Seaford, N.Y. 11783. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, and repossessed motor vehicles, and replacements thereof* (except mobile homes or house trailers designed to be drawn by passenger automobiles) and *antique automobiles*, by the use of wrecking equipment, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Vermont.

NOTE.—The purpose of this correction is to indicate that antique automobiles should be included in the above commodity description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140945 (Sub-No. 1), filed June 9, 1975. Applicant: JAMES W. CROWE, 307 Brennan Road, Columbus, Ga. 31903. Applicant's representative: C. E. Walker, Suite 307, First National Bank Building, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials, farm seed, animal feed, and crop protection chemicals*, when shipped in the same vehicle with fertilizer materials, between points in Alabama, Georgia, and Florida, under a continuing contract or contracts with U.S. Agri-Chemicals, Division of U.S. Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus or Atlanta, Ga.

No. MC 140954, filed May 5, 1975. Applicant: RAYMOND REMILLARD, doing business as P & R TRUCKING, Box 147-A R.D. 1, Chester, N.H. 03036. Applicant's representative: Raymond Remillard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles and ready to wear garments*, from Lawrence, Mass., to Durant, Miss.; (2) *wood* from Vicksburg, Miss., to Nashua, N.H.; and



(3) *commodities*, the transportation of which is exempt from economic regulation under Section 203(b) (6) of the Interstate Commerce Act when transported in mixed loads with the commodities named above, (a) from Lawrence, Mass., to Durant, Miss.; and (b) from Vicksburg, Miss., to Nashua, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Manchester, N.H. or Boston, Mass.

No. MC 140976, filed May 12, 1975. Applicant: SNAPPY DELIVERY, INC., 1823 East Dakota, Pierre, S.D. 57501. Applicant's representative: Robert D. Hofer, 319 S. Coteau, Pierre, S.D. 57501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in that part of South Dakota east of the Missouri River, on the one hand, and, on the other, all Indian Reservations located in South Dakota including but not limited to Cheyenne, Rosebud, Pine Ridge, Lower Brule, Crow Creek, and Standing Rock.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pierre, Rapid City, or Sioux Falls, S. Dak.

No. MC 140997 (Sub-No. 1), filed May 30, 1975. Applicant: BAKER TRUCKING COMPANY, a Corporation, 514 Northwestern National Bank Building, Sioux Falls, S. Dak. 57101. Applicant's representative: Duane L. Stromer, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fiberboard and pulpboard and fiberboard products*, from the facilities of Hoerner-Waldorf Corporation at or near Sioux Falls, S. Dak., to points in Iowa, Nebraska, and points in Minnesota south and west of a line beginning at the South Dakota-Minnesota State Boundary line and extending easterly along Minnesota Highway 28 to intersection Minnesota Highway 29, thence southerly along Minnesota Highway 29 to intersection U.S. Highway 12, thence easterly along U.S. Highway 12 to intersection U.S. Highway 71, thence southerly along U.S. Highway 71 to intersection U.S. Highway 212, thence easterly along U.S. Highway 212 to intersection Minnesota Highway 15, thence southerly along Minnesota Highway 15 to intersection U.S. Highway 14, thence easterly along U.S. Highway 14 to intersection U.S. Highway 169, and thence southerly along U.S. Highway 169 to the Iowa-Minnesota State Boundary line; and (2) *materials, equipment and supplies* used in the manufacture and processing of pulpboard, fiberboard, and pulpboard and fiberboard products, from

points in the destination territory in (1) above, to the facilities of Hoerner-Waldorf Corporation at or near Sioux Falls, S. Dak., under a continuing contract or contracts with Hoerner-Waldorf Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 141003, filed May 27, 1975. Applicant: OREN SMITH, JR., R.D. No. 2, Box 270, Uniontown, Pa. Applicant's representative: Marshall Kragen, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Grays Landing, German Township (Fayette County), Pa., to Bellaire, Ohio, under contract with Utilities Fuel Company, and Gallatin Fuel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Wheeling, W. Va.

No. MC 141004, filed May 28, 1975. Applicant: ROBERT C. RILEY, Rural Route 2, Pittsfield, Ill. 62663. Applicant's representative: James T. Londrigan, 620 East Edwards, Springfield, Ill. 62705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, rock, limestone, asphalt, dirt, feed, feed ingredients, and dry fertilizer*, between Illinois and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 141021, filed May 2, 1975. Applicant: PETROLEUM TRANSPORT COMPANY, INCORPORATED, P.O. Drawer 1080, Kenner, La. 70062. Applicant's representative: Rene Jacomine (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Louisiana and Mississippi, to points in Orange, Jefferson, Chambers, Galveston, Harris, and Liberty Counties, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, La. or Houston, Tex.

No. MC 141033, filed May 30, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses and box springs and bedding products*, from Memphis, Tenn., to points in Alabama, Arkansas, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; and (2) *returned shipments of mattresses and box springs and bedding products and materials and supplies* used in the manufacture and distribution of these commodities, from the above-described destinations, to the above-described origin.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 124796 (Sub-No. 11), and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 141033 (Sub-No. 1), filed June 6, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burial cases, caskets, coffins, and casket shells*, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii), (2) *returned shipments, of burial cases, caskets, coffins, and casket shells and materials, equipment, and supplies* used in the manufacture and distribution of these commodities from the above described destinations to the above described origin; and (3) *burial cases, caskets, coffins, and casket shells*, from Chicago, Ill., and Cloverdale, Calif., to Memphis, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 141041, filed May 28, 1975. Applicant: F. T. WILLIAMS COMPANY, INCORPORATED, 3009 Rozzels Ferry Road, Charlotte, N.C. 28208. Applicant's representative: Samuel S. Williams, 139 So. Tryon St., Charlotte, N.C. 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from the junction of Arrowood Road and Interstate Highway 77 in Mecklenburg County, N.C., to Duke Power Nuclear Station, in York County, S.C., under contract with Martin Marietta Aggregates.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

#### BROKER APPLICATIONS

No. MC 130195 (Sub-No. 2), filed May 30, 1975. Applicant: HOOSIER MOTOR CLUB, doing business as WORLD WIDE TRAVEL SERVICE, 40 West 40th Street, Indianapolis, Ind. 46028. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Kokomo, Terre Haute, Crawfordsville, Lafayette, Anderson, Muncie, Richmond, Columbus, Bloomington, and Clarksville, Ind., to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip tours, by motor, rail, water, and air carriers, beginning and ending at points in Vigo, Montgomery, Tippecanoe, Howard, Madison, Delaware, Wayne, Monroe, Bartholomew, and Clark Counties Ind., and extending to points in the United States (except Alaska and Hawaii).



NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 130320, filed May 27, 1975. Applicant: LONNIE J. JOHNS, doing business as TRAVEL CONSULTANTS OF JACKSONVILLE, 1724 South Main Street, Jacksonville, Ill. 62650. Applicant's representative: Lonnie J. Johns (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Jacksonville, Ill., to sell or offer to sell the transportation of *Passengers, as individuals and in groups, and their baggage* in special and charter operations, in all expense tours, by motor carrier, beginning and ending at points in Cass, Greene, Jersey, Menard, Morgan, Pike, Sangamon, and Scott Counties, Ill. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jacksonville, Ill. or St. Louis, Mo.

No. MC 130323, filed May 8, 1975. Applicant: VISIT AMERICA, INC., 424 Madison Avenue, New York, N.Y. 10017. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y. to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage* in the same vehicle with passengers, in charter and special operations, by motor common carriers, between points in the United States, including Alaska and Hawaii, restricted to making arrangements for passengers having a prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130325, filed June 2, 1975. Applicant: PAUL M. KEITH, doing business as MOUNTAIN PARADISE TOURS, Finlen Hotel, 100 East Broadway Street, Butte, Mont. 59701. Applicant's representative: Neil J. Lynch, 2101 Harrison Ave., Butte, Mont. 59701. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Butte, Bozeman, West Yellowstone, Helena, Kalispell, Mont., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor, rail, water, or rail carriers, from points in Montana, to points in the United States including Hawaii and Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Butte, Mont.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.75-17255 Filed 7-2-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

JUNE 30, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 297 (Sub-No. E1), filed October 20, 1974. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 87, Woodland, Wash. 98674. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products and door components*, from points within 15 miles of Woodland (except points in the commercial zones as defined by the Commission of Kelso and Longview, Wash.), to points in Oregon (except points in Clatsop, Columbia, Washington, Yamhill, Polk, Clackamas, Multnomah, Hood River, Tillamook, Marion, Benton, Linn, and Wasco Counties, Oreg.); and (2) *Lumber*, from points in Oregon (except points in Clatsop, Columbia, Washington, Yamhill, Polk, Clackamas, Multnomah, Hood River, Tillamook, Marion, Benton, Linn, and Wasco Counties, Oreg.), to points within 15 miles of Woodland (except points in the commercial zones as defined by the Commission of Kelso and Longview, Wash.). The purpose of this filing is to eliminate the gateway of Woodland, Wash.

No. MC 15558 (Sub E19), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extend-

ing along U.S. Route 522 to Junction Highway U.S. Route 17, thence along U.S. Highway 17 to Junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, on the one hand, and, on the other, those points in Ohio on and north of a line beginning at the Ohio-W. Va. State line and extending along U.S. Route 50 to Junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 21866 (Sub-No. E1), (Correction), filed May 5, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Bayertown, Pa. 19512. Applicant's representative: Robert P. Stimmel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (7) *Metal articles* (except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefore and those which because of size or weight require the use of special equipment), from Leesport and Trappe, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of G.A.C. Merchandising, Inc., at Pottsville, Pa. The purpose of this partial correction is to correct the exception in (7) above. The remainder of this letter-notice remains as previously published.

No. MC 43963 (Sub-No. E9), filed April 28, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, which because of size and weight require specialize handling or rigging, from points in Indiana on and north of U.S. Highway 40 to points in Jo Daviess, Carroll, Whiteside, Rock Island, Stephenson, Ogle, Lee, Winnebago, Boone, McHenry, De Kalb, and Kane Counties, Ill. The purpose of this filing is to eliminate the gateway of Chicago or Joliet, Ill.

No. MC 43963 (Sub-No. E10), filed April 25, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt*



*mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, which because of size and weight require specialized handling or rigging, from points in La Porte, St. Joseph, Elkhart, Lagrange, and Steuben Counties, Ind., to points in Illinois. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E11), filed April 23, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except articles requiring specialized handling or rigging because of size or weight), from points in Lake County, Ill., within 40 miles of Grant Park, Chicago, Ill., and those in Kane and Cook Counties, Ill., on or north of U.S. Highway 20 within 40 miles of Grant Park, Ill., to points in Illinois on or south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, and thence along Illinois Highway 17 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E12), filed April 24, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, which because of size or weight require specialized handling or rigging, from points in Noble, De Kalb, and Allen Counties, Ind., to points in that part of Illinois in and north of Kankakee, Livingston, McLean, De Witt, Macon, Christian, Montgomery, Bond, Madison, St. Clair, and Monroe Counties. The purpose of this filing is to eliminate the gateway of Burns Harbor, Ind.

No. MC 43963 (Sub-No. E13), filed April 29, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits,*

*fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except articles requiring specialized handling or rigging because of size and weight), from points in Lake County, Ill., within 40 miles of Grant Park, Chicago, Ill., to points in Illinois (except points in Jo Daviess, Carroll, Whiteside, Lee, Ogle, Stephenson, Winnebago, Boone, McHenry, De Kalb, Kane, Kendall, Will, Cook, Du Page, and Lake Counties). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E15), filed April 21, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except articles requiring specialized handling or rigging because of size or weight), from points in Indiana within 40 miles of Grant Park, Chicago, Ill., to points in Illinois (except points in Crawford, Clark, Edgar, Vermilion, Iroquois, Ford, Kankakee, Will, Grundy, and Kendall Counties, and those in Cook County south of Illinois Highway 64. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E16), filed April 18, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except articles requiring specialized handling or rigging because of size or weight), from points in Lake, Cook, Du Page, and Kane Counties within 40 miles of Grant Park, Chicago, Ill., to points in Madison, Bond, Fayette, Effingham, Lawrence, Richland, Clay, Marion, Clinton, St. Clair, Monroe, Washington, Jefferson, Wayne, Edwards, Wabash, Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 52657 (Sub-No. E14), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Louisiana, on the one hand, and, on the other, points in Con-

necticut, Iowa (except that portion west of a line beginning at the Iowa-Missouri State line near Mark, Iowa, thence extending north on U.S. Highway 63 to its junction with Iowa Highway 163 at Oska-loosa, thence north on Iowa Highway 163 to its junction with Iowa Highway 117 near Prairie City, thence north on Iowa Highway 117 to its junction with U.S. Highway 65 near Farrar, thence north on U.S. Highway 30 near Colo., thence west on U.S. Highway 30 to its junction with U.S. Highway 69 near Ames, and thence north on U.S. Highway 69 to the Iowa-Minnesota State line near Lake Mills, Iowa), Maine, Massachusetts, Michigan, Minnesota (except that part west of a line beginning at the Iowa-Minnesota State line near Prosper, Minn., thence north on U.S. Highway 52 to its junction with U.S. Highway 12 at or near Minneapolis, thence west on U.S. Highway 12 to its junction with U.S. Highway 71 at or near Willmar, thence north on U.S. Highway 71 to its junction with Minnesota Highway 72 near Shooks, thence north on Minnesota Highway 72 to its junction with the Canadian border near Bandette, Minn.), New Hampshire, New Jersey (except that portion southeast of a line beginning at the Pennsylvania-New Jersey State line near Burlington, N.J., thence northeast on U.S. Highway 130 to the junction of New Jersey Highway 33, thence east on New Jersey Highway 33 to Ocean Grove, N.J.), New York, Pennsylvania (except that portion south of a line beginning at the Ohio-Pennsylvania State line near Claysville, Pa., thence east on Interstate Highway 70 to the junction of Interstate Highway 76 (Pennsylvania Turnpike), thence east on Interstate Highway 70 and 76 to Philadelphia, Pa.), Rhode Island, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 52657 (Sub-No. E20), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movement in truckaway service, *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in North Carolina and Virginia to points in the Illinois Counties of McHenry, Winnebago, Boone, De Kalb, Lake, Cook, Du Page, Kane, and Will, Indiana (except that portion south of a line beginning at the Ohio State line and U.S. Highway 224 near Decatur, Ind., thence extending west on U.S. Highway 224 to its junction with Indiana Highway 3 near Markle, Ind., thence along Indiana Highway 3 to its junction with



U.S. Highway 36 near Mt. Summit, Ind., thence along U.S. Highway 36 to its junction with Indiana Highway 38 near Pendleton, Ind., thence along Indiana Highway 38 to its junction with Indiana Highway 32 near Noblesville, Ind., thence along Indiana Highway 32 to its junction with U.S. Highway 52 near Lebanon, Ind., thence along U.S. Highway 52 to its junction with Indiana Highway 28 near Clarks Hill, Ind., and thence along Indiana Highway 28 to the Indiana-Illinois State line near Hedrick, Ind.), Michigan, Minnesota, that part of Ohio north of a line beginning at the Michigan State line and Interstate Highway 75 on the north side of Toledo, Ohio, thence south on Interstate Highway 75 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Indiana State line near Antwerp, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E25), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina (except that portion southwest of a line beginning at the Virginia-North Carolina State line near Gatewood, N.C., extending southeast on North Carolina Highway 86 to the junction of U.S. Highway 70 near Durham, N.C., thence southeast on U.S. Highway 70 to Cherry Point, N.C., Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin (except that portion north and west of a line beginning at Prairie du Chien, Wis., extending north on Wisconsin Highway 27 to the junction of U.S. Highway 16 near Sparta, Wisc., thence east on U.S. Highway 16 to the junction of Wisconsin Highway 173 near Tomah, Wisc., thence northeast on Wisconsin Highway 173 to the junction of Wisconsin Highway 80, thence along Wisconsin Highway 80 to the junction of Wisconsin Highway 13, thence along Wisconsin Highway 13 to the junction of Wisconsin Highway 97 near Marshfield, Wisc., thence north on Wisconsin Highway 97 to the junction of Wisconsin Highway 153, thence along Wisconsin Highway 153 to the junction of U.S. Highway 51, thence along U.S. Highway 51 to the junction of U.S. Highway 8 near Rhinelander, Wisc., thence along U.S. Highway 8 to the Wisconsin-Michigan State line near Niagra, Wis.), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 52657 (Sub-No. E31), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *com-*

*mon carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service; *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk, or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Nebraska and Wyoming to points in Ohio, West Virginia, Kentucky (except that part west of a line beginning at the Kentucky-Ohio State line and U.S. Highway 25 near Ludlow, Ky., thence extending along U.S. Highway 25 to its junction with U.S. Highway 27 near Lexington, Ky., and thence along U.S. Highway 27 to the Kentucky-Tennessee State line near Strunk, Ky.), and the Lower Peninsula of Michigan (except that part west and north of a line beginning at the Ohio State line and U.S. Highway 127 near Waldron, Mich., thence extending north on U.S. Highway 127 to its junction with U.S. Highway 27 near Lansing, Mich., thence north on U.S. Highway 27 to its junction with Interstate Highway 75 south of Grayling, Mich., thence north on Interstate Highway 75 to its junction with Michigan Highway 68 near Indiana River, Mich., and thence east on Michigan Highway 68 to Lake Huron near Rogers City, Mich.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E36), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, (1) between points in Washington, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan (except that part north of a line beginning at Michigan Highway 72 and Lake Michigan, near Empire, Mich., extending along Michigan Highway 72 to Lake Huron near Harrisville, Mich.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C.; (2) between points in Washington, on the one hand, and, on the other, points in Florida, Georgia, Louisiana (except that part north and west of a line beginning at the Arkansas State line and Louisiana Highway 159 near Shongaloo, La., then extending south on Louisiana Highway 159 to Louisiana Highway 7, thence along Louisiana Highway 7 to U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi River near Logansport, La.) Mississippi, Missouri, (except that part west of a line beginning at the Illinois State line and U.S. Highway 36 near Hannibal, Mo., extending west on U.S. Highway 36 to U.S. Highway 61, thence along U.S. Highway 61 to Mis-

souri Highway 19, thence along Missouri Highway 19 to Missouri Highway 28, thence along Missouri Highway 28 to Missouri Highway 17, thence along Missouri Highway 17 to Missouri Highway 32, thence along Missouri Highway 32 to Missouri Highway 95, thence along Missouri Highway 95 to Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas State line near Gainesville, Mo.), South Carolina and Tennessee; and

(3) between points in Washington, on the one hand, and, on the other, points in Kentucky, Illinois (except that part north and west of a line beginning at U.S. Highway 54 at the Mississippi River near Pittsfield, Ill., extending east on U.S. Highway 54 to U.S. Highway 36, thence along U.S. Highway 36 to Illinois Highway 78, thence along Illinois Highway 78 to U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 119, thence along Illinois Highway 119 to the Indiana State line near Rantoul, Ill.), Indiana (except that part north of a line beginning at Indiana Highway 28 at the Illinois State line near West Lebanon, Ind., extending east on Indiana Highway 28 to the Ohio State line near Deerfield, Ind.), and Ohio (except that part north of a line beginning at the Indiana-Ohio State line near Union City, Ohio, extending along Ohio Highway 47 to Ohio Highway 4, thence along Ohio Highway 4 to U.S. Highway 30S, thence along U.S. Highway 30S to U.S. Highway 30, thence along U.S. Highway 30 to Interstate Highway 71, thence along Interstate Highway 71 to Interstate Highway 76, thence along Interstate Highway 76 to Ohio Highway 59, thence along Ohio Highway 59 to Ohio Highway 5, thence along Ohio Highway 5 to the Pennsylvania-Ohio State line near Kinsman, Ohio). The purpose of this filing is to eliminate the gateways of Mattoon, Ill., in (1) and (2) and Coles County, Ill. and St. Clair, Mo., in (3).

No. MC 61231 (Sub-No. E97), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, and urethane and urethane products*, that are building materials, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Wisconsin. Restriction: The authority authorized above is restricted (1) against the transportation of cement from the plantsite of the Lone Star Cement Corp., at Bonner Springs, Kans., and (2) against the transportation of mineral filler, lime, limestone and limestone products, in bulk. The purpose of this filing is to eliminate the gateway of the plantsite of the Celotex Corp., at Dubuque, Iowa.

No. MC 99142 (Sub E1), filed May 16, 1974. Applicant: CIBOLA FREIGHT LINES, P.O. Box 6849, Phoenix, Arizona



85005. Applicant's representative: Robert R. Digby, 2131 West Roosevelt Street, Phoenix, Arizona 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Mohave County, Arizona, south of the Colorado River, points in Yuma County, Arizona, north of an east-west line drawn through Cibola, Ariz., and points in Nevada within 40 miles of Kingman, Ariz., on the one hand, and, on the other, Ripley and Blythe, Calif., and Yuma, Ariz., Gateway: Cibola, Ariz., and points in Arizona within 25 miles thereof. (2) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ripley and Blythe, Calif., and Yuma, Ariz., on the one hand, and, on the other, points in Arizona and Nevada within 40 miles of Kingman, Ariz., including Kingman. The purpose of this filing is to eliminate the gateway of Cibola, Ariz., and points within 25 miles thereof or points in Yuma County, Ariz., north of an east-west line drawn through Cibola, Ariz.

No. MC 102616 (Sub-No. E1), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Arkansas, Iowa, Louisiana, Missouri, Nebraska, Oklahoma, points in Colorado on and east of U.S. Highway 85, points in New Mexico on and east of U.S. Highway 85, points in North Dakota on and east of U.S. Highway 85, points in South Dakota on and east of U.S. Highway 85, points in Wyoming on and east of U.S. Highway 85 and points in Texas (except Harris County). The purpose of this filing is to eliminate the gateway of Institute, W. Va., and points within five miles of Marshall, Ill., which are not in the commercial zone thereof.

No. MC 102616 (Sub-No. E3), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, points in Colorado west of U.S. Highway 85, points in North Dakota west of U.S. Highway 85, and points in South Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of In-

stitute, W. Va., and the plant sites of Aniline and Solvay divisions of Allied Chemical Co., near Moundsville, W. Va., and Midland, Mich.

No. MC 102616 (Sub-No. E4), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Chicago, Ill.

No. MC 102616 (Sub-No. E9), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Illinois on and north of U.S. Highway 24, and points in Indiana (except east and north of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., points in Allegheny or Beaver Counties, Pa., and Toledo, Ohio.

No. MC 102616 (Sub-No. E10), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in West Virginia on and east of U.S. Highway 119 which are on and north of U.S. Highway 250, and Fairmont and Clarksburg, W. Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E11), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Morgan and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateways of points in the Philadelphia, Pa., commercial zone which are in Pennsylvania.

No. MC 102616 (Sub-No. E12), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's repre-

sentative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and points in Allegheny or Beaver Counties, Pa.

No. MC 102616 (Sub-No. E14), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Arkansas, Kansas, Louisiana, and points in Colorado east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Baltimore Md., the plant sites of Aniline and Solvay divisions of Allied Chemicals Co., near Moundsville, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E15), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Iowa. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and the plant sites of Aniline or Solvay divisions of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E16), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio, 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Michigan. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and the plant sites of Aniline or Solvay divisions of Allied Chemical Co., near Moundsville, W. Va.

No. MC 102616 (Sub-No. E17), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in*



*Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Toledo, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E18), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in West Virginia north of U.S. Highway 33 which are east of U.S. Highway 250. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E19), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington and Delaware City, Del., to points in Ohio on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E26), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils* (except petroleum chemicals), from Wilmington, Del., to points in Illinois and Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of Hulbert Oil and Grease Co., in Philadelphia, Pa.

No. MC 102616 (Sub-No. E27), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in West Virginia on and north of a line beginning at the Maryland-West Virginia State line and extending along U.S.

Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways of East Freedom, Pa., and points within five miles thereof.

No. MC 102616 (Sub-No. E28), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to Nitro, W. Va. The purpose of this filing is to eliminate the gateway of Floreffe or Freedom, Pa.

No. MC 102616 (Sub-No. E29), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in West Virginia on and north of U.S. Highway 33 which are on and west of U.S. Highway 250, and points in Ohio on, east, and north of U.S. Highway 40 and U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 102616 (Sub-No. E30), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in Indiana (except points north and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Toledo, Ohio.

No. MC 102616 (Sub-No. E31), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Wilmington, Del., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and points

in York County, Va., on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E32), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Wilmington, Del., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E33), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Wilmington, Del., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except points in Harris County), Wisconsin, and points in Colorado, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Pittsburgh, Pa., Congo, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E35), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Delaware to points in North Carolina. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and York County, Va.

No. MC 102616 (Sub-No. E92), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia, points in Pennsylvania on and east of U.S. Highway 220 and the District of Columbia. The purpose of this filing is to eliminate the gateway of points within 5 miles of Nitro, W. Va., which are in the commercial zones of Institute or South Charleston, W. Va.

No. MC 102616 (Sub-No. E129), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above).



Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama, Connecticut, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas (except points in Harris County), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E130), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Henderson, Ky., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Wisconsin, points in North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 15 miles thereof.

No. MC 102616 (Sub-No. E131), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Princeton, La., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, points in Illinois on and north of U.S. Highway 36, points in Indiana on and north of U.S. Highway 40, points in Virginia and West Virginia which are on and north of U.S. Highway 60, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 5 miles thereof.

No. MC 105666 (Sub E1), filed June 5, 1974. Applicant: J. A. ROBINSON SONS, INC., Highway 15, P.O. Box 1061, Woodward, Oklahoma 73801. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Texas 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) with

the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transportation of natural gas, petroleum, their products and byproducts, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way: (1) Between points in Texas on and east of a line commencing at the Texas-New Mexico Boundary over Texas State Highway 18, thence over Texas State Highway 302 to Odessa, thence over U.S. Highway 385 to the Texas-Mexico International Boundary line, on the one hand, and, on the other, all points in Colorado on north and east of a line commencing at the Utah-Colorado Boundary line over U.S. Highway 50 to junction with Colorado State Highway 114, thence over Colorado State Highway 114 to Saguache, and thence over U.S. Highway 285 to the Colorado-New Mexico Boundary line; and (2) between points in Texas (excepting those in El Paso, Hudspeth, and Culberson Counties) on and west of a line commencing at the New Mexico-Texas Boundary line over Texas State Highway 18, thence over U.S. Highway 302 to Odessa, thence over U.S. Highway 385 to the Texas-Mexico International Boundary line, on the one hand, and, on the other, points in Colorado on and east of Interstate Highway 25 (U.S. Highways 85 and 87). The purpose of this application is to eliminate the gateway of points in Oklahoma (Boise City).

No. MC 109821 (Sub E1), filed April 14, 1974. Applicant: H. W. TAYNTON CO. INC., Main Office, Wellsboro, Pa. 16901. Applicant's representative: Dewey Whitford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, between Wellsboro, Pennsylvania and (1) New York, N.Y. and points in New Jersey within 20 miles of New York, N.Y. and (2) Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Westfield, Pa.

No. MC 111823 (Sub-No. E2), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., San Antonio, Tex. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the Columbus Air Force Base, located at or near Columbus, Miss.; and the Naval Auxiliary Air Station, located at or near Meridian, Miss., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, located at or near Colorado Springs, Colo.; Fitzsimons General Hospital located at or near Denver, Colo.; Fort Carson, located at or near Colorado Springs, Colo.; Lowry Air Force Base, located at or near Denver, Colo.; U.S. Air Force Academy, located at or near Colorado Springs, Colo.;

Naval Submarine Base New London, located at or near Groton, Conn.; the Pentagon, Arlington Hall Station, Henderson Hall, and the Navy Security Station, located at or near the District of Columbia; Andrews Air Force Base, located at or near Camp Springs, Md.; Bolling Air Force Base, located at or near the District of Columbia; Fort Myer, located at or near Arlington, Va.; Fort McNair, located at or near the District of Columbia; Cameron Station, located at or near Alexandria, Va.; Walter Reed Army Medical Center, located at or near the District of Columbia; National Naval Medical Center, located at or near Bethesda, Md.; Naval Station, located at or near the District of Columbia; Chanute Air Force Base, located at or near Rantoul, Ill.; Fort Sheridan, located at or near Highland Park, Ill.; Joliet Army Ammunition Depot, located at or near Joliet, Ill.; and Savanna Army Depot, located at or near Savanna, Ill.

Naval Air Station Glenview, located at or near Glenview, Ill.; Naval Training Center, located at or near Great Lakes, Ill.; Scott Air Force Base, located at or near Great Lakes, Ill.; Grissom Air Force Base, located at or near Peru, Ind.; Fort Benjamin Harrison, located at or near Indianapolis, Ind.; Naval Ammunition Depot, located at or near Crane, Ind.; Forbes Air Force Base, located at or near Topeka, Kans.; Fort Leavenworth, located at or near Leavenworth, Kans.; Fort Riley, located at or near Junction City, Kans.; McConnell Air Force Base, located at or near Wichita, Kans.; Fort Knox, located at or near Fort Knox, Ky.; Aberdeen Proving Ground, located at or near Aberdeen, Md.; Edgewood Arsenal, located at or near Edgewood Arsenal, Md.; Fort Detrick, located at or near Frederick, Md.; Fort Holabird, located at or near Baltimore, Md.; Fort George Meade, at or near Laurel, Md.; Fort Ritchie, at or near Cascade, Md.; Naval Air Station Patuxent, at or near Patuxent River, Md.; Naval Academy, at or near Annapolis, Md.; Naval Training Center Bainbridge, at or near Bainbridge, Md.; Fort Devens at or near Ayer, Mass.; Naval Air Station, South Weymouth at or near South Weymouth, Mass.; L. G. Hanscom Field at or near Bedford, Mass.; Otis Air Force Base at or near Falmouth (Cape Cod), Mass.; Westover Air Force Base at or near Springfield, Mass.; Kincheloe Air Force Base at or near Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base at or near Gwinn, Mich.; Selfridge Air National Guard Base at or near Mount Clemens, Mich.; Wurtsmith Air Force Base at or near Oscoda, Mich.; Duluth International Airport at or near Duluth, Minn.; Fort Leonard Wood, at or near Waynesville, Mo.; Richards-Gebaur Air Force Base at or near Kansas City, Mo.; Whiteman Air Force Base at or near Knob Noster, Mo.; Offutt Air Force Base at or near Omaha, Nebr.; Pease Air Force Base at or near Portsmouth, N.H.; Fort Dix at or near Wrightstown, N.J.; and Fort Monmouth at or near Oceanport, N.J.



McGuire Air Force Base at or near Wrightstown, N.J.; Naval Air Station Lakehurst at or near Lakehurst, N.J.; Camp Drum at or near Watertown, N.Y.; Fort Hamilton at or near Brooklyn, N.Y.; Fort Wadsworth at or near Staten Island, N.Y.; U.S. Coast Guard Base at or near Governor's Island (New York City), N.Y.; Griffiss Air Force Base at or near Rome, N.Y.; Hancock Field at or near Syracuse, N.Y.; Plattsburg Air Force Base at or near Plattsburg, N.Y.; Naval Hospital Saint Albans, at or near Saint Albans, N.Y.; Seneca Army Depot at or near Romulus, N.Y.; Steward Field, at or near Newburgh, N.Y.; U.S. Military Academy, at or near West Point, N.Y.; Grand Forks Air Force Base at or near Enerado, N. Dak.; Minot Air Force Base at or near Minot, N. Dak.; Lockbourne Air Force Base at or near Columbus, Ohio; Wright-Patterson Air Force Base at or near Dayton, Ohio; Army War College at or near Carlisle Barracks, Pa.; Letterkenny Army Depot at or near Chambersburg, Pa.; Naval Base Philadelphia, at or near Philadelphia, Pa.; New Cumberland Army Depot at or near New Cumberland, Pa.; Tobyhanna Army Depot at or near Tobyhanna, Pa.; Defense Activities Mechanicsburg, at or near Mechanicsburg, Pa.; Valley Forge General Hospital at or near Phoenixville, Pa.; Ellsworth Air Force Base at or near Rapid City, S. Dak.; Fort Belvoir at or near Alexandria, Va.; Fort Eustis at or near Newport News, Va.; Fort Lee at or near Petersburg, Va.; Fort Monroe at or near Hampton, Va.; Fort Story at or near Virginia Beach, Va.; Langley Air Force Base at or near Hampton, Va.; Marine Corps School at or near Quantico, Va.; Naval Air Station Oceana at or near Oceana (Virginia Beach), Va.; Naval Weapons Laboratory at or near Dahlgren, Va.; Naval Weapons Station Yorktown at or near Yorktown, Va.; Defense General Supply Center at or near Richmond, Va.; Vint Hill Farms Station at or near Warrenton, Va.; and Camp McCoy at or near Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky.

No. MC 111823 (Sub-No. E31), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., San Antonio, Tex. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the Tobyhanna Army Depot, Tobyhanna, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver,

Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Eglin Air Force Base, Valparaiso, Fla.; Naval Air Station Pensacola, Pensacola, Fla.; Tyndall Air Force Base, Panama City, Fla.; Fort Benning, Columbus, Ga.; Chanut Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station Glenview, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Indiana; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; and Keesler Air Force Base, Biloxi, Miss.

Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line

beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E32), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Defense Activities, Mechanicsburg, Pa.; Army War College, Letterkenny Army Depot, Chambersburg, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; and Carlisle Barracks, Carlisle, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Fla.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Eglin Air Force Base, Valparaiso, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Chanut Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station Meridian, Miss.; and Naval Construction Battalion, Gulfport, Miss.

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air



Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station, Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E34), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Valley Forge General Hospital, Phoenixville, Pa., and Naval Base, Philadelphia, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Elgin Air Force Base, Valparaiso, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McCon-

nell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; and Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E35), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Camp McCoy, Sparta, Wis., on

the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Fort Rucker, Ozark, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station Pensacola, Pensacola, Fla.; Naval Station Mayport, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station Key West, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; and Fort Stewart, Hinesville, Ga.

Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynnco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force



Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Whiteman Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; and Naval Air Station, Lakehurst, N.J.

Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; and Lackland Air Force Base, San Antonio, Tex.

Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base,

Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 113843 (Sub E180), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from those points in Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Wisconsin, Colorado, those in Kans. on and west of U.S. Highway 81, those in Okla. on, north, and west of a line beginning at the Okla.-Kans. State line and extending along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Okla.-Tex. State line, those in Kans. on, north, and west of a line beginning at the Kans.-Okla. State line and extending along U.S. Highway 77 to junction U.S. Hwy. 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kans. Highway 9, thence along Kans. Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kans.-Mo. State line, St. Joseph, Mo., El Paso, Tex. and those in Texas on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub E486), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and west of U.S. Highway 15 and on, east, and north of a line beginning at the Pa.-N.Y. State line and extending along Pa. Highway 49 to junction Pa. Highway 249, thence along Pa. Highway 249 to junction Pa. Highway 287, thence along Pa. Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Highway 120, thence along Pa. Highway 120 to junction Pa. Highway 64, thence along Pa. Highway 64 to junction Pa. Highway 144, thence along Pa. Highway 144, to junction U.S. Highway 322, thence along Pa. Highway 322 to junction U.S. Highway 15, to those points in Mo. on, north, and west of a line beginning at the Mo.-Iowa State line and extending along U.S. Highway 63 to Kirksville, thence along Mo. Highway 6 to junction U.S. Highway 65, thence

along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24, to junction Mo. Highway 13, thence along Mo. Highway 13, to junction U.S. Highway 65, thence along U.S. Highway 65 to the Mo.-Ark. State line. From Lewisburg, Milton, Wellsboro and Williamsport, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E502), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and north of Interstate Highway 90, to those points in Maryland, on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to Junction U.S. Highway 50, thence along U.S. Highway 50 to Atlantic Ocean; from those points in Pa. bounded by a line beginning at the Pa.-N.Y. State line and extending along Pa. Highway 446 to junction Pa. Highway 46, thence along Pa. Highway 46 to junction Pa. Highway 646, thence along Pa. Highway 646 to junction Pa. Highway 770, thence along Pa. Highway 770 to junction unnumbered Highway near Marshburg, thence along unnumbered Highway to junction Pa. Hwy. 346, thence along Pa. Highway 346 to the Pa.-N.Y. State line, to those points in Md. on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean; and from points in Tioga County, Pa., to those points in Md. on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, New York.

No. MC 113843 (Sub E503), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and north of a line beginning at the Pa.-Ohio State line and extending along Pa. Highway 226 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with Pa. Highway 957, thence along Pa. Highway 957 to junction Pa. Highway 69, thence along Pa. Highway 69 to the Pa.-N.Y. State line, to those points in Del. south of the Chesapeake and Delaware Canal; and from points in Tioga County, Pa. to those points in Del. south of the Chesapeake and Delaware Canal. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E823), filed May 19, 1974. Applicant: REFRIGER-



ATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices and Frozen berries*, from points in Tioga County, Pa. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E955) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Montgomery and Philadelphia Counties, Pa., on the one hand, and, on the other, those points in Indiana on, north and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 41 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial destination.

No. MC 113843 (Sub-No. E956) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Montgomery and Berks Counties, Pa., on the one hand, and, on the other, Evansville, Ind., and points in Indiana on, north and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 14 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E994) (Correction) filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned*

*goods*, from points in those parts of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of the facilities of Duffy-Mott Co., Inc., at Williamstown, N.Y. The purpose of this correction is to extend the territorial destination.

No. MC 114301 (Sub-No. E5), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed*, from points in Bucks, Delaware, Lehigh, Montgomery, and Northampton Counties, Pa., to Washington, D.C., Baltimore, Md., points in Harford, Baltimore, Carroll, Howard, Montgomery, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va. The purpose of this filing is to eliminate the gateway of Newark, Del., and the plant site of the Ralston Purina Co., at or near Wilmington, Pa. The purpose of this correction is to correct the territorial description.

No. MC 115331 (Sub E19), filed May 9, 1974. Applicant: TRUCK TRANSPORT INC., 230 Saint Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica moulding sand and silica foundry sand*, in bulk, from St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Kansas and Oklahoma (East St. Louis, Ill.)\* (2) *Moulding sand and foundry sand*, in bulk, from points in Pike County, Mo., to points in Kentucky and Oklahoma. (East St. Louis, Ill.)\*; and (3) *Silica moulding sand and silica foundry sand*, in bulk, from points in Pike County, Mo., to points in Arkansas and Tennessee (East St. Louis, Ill. and St. Louis, Mo.)\*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115331 (Sub E20), filed May 9, 1974. Applicant: TRUCK TRANSPORT INC., 230 Saint Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquiri sulfinate liquor*, in bulk, from Fort Madison, Iowa, to points in Wisconsin (plant site of the Hawheye Chemical Company located at or near Clinton, Iowa)\*, Ohio and Michigan (the plant site of Foster Grant Co., Inc. at Peoria, Ill.)\*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115840 (Sub-No. E97), filed May 2, 1975. Applicant: COLONIAL

FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, bars, sows, and scrap* (except in dump vehicles), between Birmingham, Ala., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Ohio, Florida, Georgia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, the District of Columbia, and that portion of Alabama in Baldwin, Mobile, De Kalb, Jackson, Madison, Etowah, and Calhoun Counties. The purpose of this filing is to eliminate the gateway of Steele, Ala.

No. MC 115840 (Sub-No. E103) filed June 3, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic valves, plastic fittings, and accessories and materials* used in the installation thereof (except commodities in bulk), from Williamsport, Md., to points in Louisiana and to those points in Georgia from the Georgia-Tennessee State line beginning at Interstate Highway 75 on and west of Interstate Highway 75 to the Georgia-Florida State line (including Macon and Atlanta), and those points in Florida beginning at the Georgia-Florida State line on and west of Interstate Highway 75 to the intersection of U.S. Highway 75 and the Florida Turnpike, thence along the Florida Turnpike and Interstate Highway 95 to the intersection of Interstate Highway 95 and U.S. Highway 1 located at Miami, thence along U.S. Highway 1 to Key West Florida bounded on the south and southwest by the Gulf of Mexico and bounded on the east by the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lincoln, Ala.

No. MC 115840 (Sub-No. E106), filed August 23, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, W., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic valves, plastic fittings, and accessories and materials* used in the installation thereof (except commodities in bulk), (restricted to the transportation of traffic originating at the facilities of Certain-Teed Products at or near Williamsport, Md.), from Williamsport, Md., to points in New Mexico, Arizona, California, Utah, Nevada, Oregon, Washington, Louisiana, Colorado, Georgia on and west of Inter-



state Highway 75 beginning at the Georgia-Tennessee State line thence (including Marietta, Atlanta, and Macon, Ga.), to the Georgia-Florida State line, points in Florida on and west of Interstate Highway 75 beginning at the Florida-Georgia State line to the intersection with the Florida Turnpike thence on and west of the Florida Turnpike to the intersection with Interstate Highway 95, thence along Interstate Highway 95 to the intersection of U.S. Highway 1, thence along U.S. Highway 1 (including West Palm Beach, Ft. Lauderdale, Hollywood, Miami Beach, Miami, Palm Beach, Ft. Pierce) to the Florida Keys to Key West, Florida bounded on the east by the Atlantic Ocean and bounded on the west and south by the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 116915 (Sub-No. E15), filed March 12, 1975. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well and mine machinery, pipe, and supplies*, which because of size or weight, require the use of special equipment, (1) from points in Georgia to points in Tennessee on and north of a line beginning at Heloise and extending east along Tennessee Highway 20 to Jackson, thence along Interstate Highway 40 to Cookeville and thence along Tennessee Highway 42 to the Tennessee-Kentucky State line; (2) from points in Mississippi to points in Tennessee on, east and north of a line beginning at the Kentucky-Tennessee State line and extending along Alternate U.S. Highway 41 to Nashville and thence along Interstate Highway 40 to the Tennessee-North Carolina State line; (3) from points in Tennessee on and east of a line beginning at the Mississippi-Tennessee State line and extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to Fairview, thence along U.S. Highway 45E to Milan, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Missouri; (4) from points in Kentucky (except those in Boone County) on and west of U.S. Highway 127 and those in Tennessee on and north of a line beginning at Memphis and extending along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to Tennessee-Kentucky State line to points in West Virginia; (5) from points in Indiana to points in Missouri in and south of Bates, Henry, Benton, Morgan, Moniteau, Cole, Osage, Gasconade, Crawford, Washington, St. Francois, and St. Genevieve Counties; (6) from points in Illinois on and east of U.S. Highway 45 to points in Missouri in and south of Jasper, Lawrence, Greene, Webster, Wright, Tex.; Shannon, Reynolds, Wayne, Bollinger, and Cape Girardeau Counties; (7) from points in Indiana in and south of Sullivan, Greene, Monroe, Jackson, Scott, and Clarke

Counties and points in Illinois in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties to points in Ohio; and (8) between points in Illinois in and south of Adams, Brown, Morgan, Macoupin, Montgomery, Bond, Clinton, Marion, Clay, Richland, and Lawrence Counties, on the one hand, and, on the other, points in Indiana in and south of a line beginning at Vincennes and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky.

No. MC 116915 (Sub-No. E19), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORP., Owensboro, Ky. Applicant's representative: William P. Sullivan, Todd, Dillon, and Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Aluminum oil well and mine machinery, aluminum pipe and supplies and equipment, materials, and supplies* (except in bulk), used in the manufacture and processing of the foregoing commodities; (1) between points in Kentucky in and west of Christian, Hopkins, McLean, Daviess, and Hancock Counties, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; (2) between points in Indiana on and west of a line beginning at the Kentucky-Indiana State line and extending along Indiana Highway 135 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 49 to Lake Michigan, on the one hand, and, on the other, points in North Carolina in and east of Yancey, Buncombe, and Henderson Counties; (3) (a) between points in Illinois, on the one hand, and, on the other, points in Florida in and south of Duval, Clay, Bradford, Alachua, and Levy Counties, and (b) between points in Illinois on and north of Illinois Highway 13, on the one hand, and, on the other, points in Florida north and west of Duval, Clay, Bradford, Alachua, and Levy Counties.

(4) (a) Between points in Kentucky on and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to Lexington, Ky., thence along unnumbered highway to junction Blue Grass Parkway, thence along Blue Grass Parkway, to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 62, thence along

U.S. Highway 62 to the Kentucky-Missouri State line, on the one hand, and, on the other, points in Florida in and south of Levy, Alachua, Putnam, and Saint Johns Counties, and (b) between points in Kentucky in and north of Bracken, Harrison, Scott, Franklin, Shelby, Spencer, Nelson, Larue, Hardin, Breckinridge, Hancock, Daviess, and Henderson Counties, on the one hand, and, on the other, points in Florida in and south of Levy, Alachua, Putnam, and Saint Johns Counties, and (b) between points in Kentucky in and north of Bracken, Harrison, Scott, Franklin, Shelby, Spencer, Nelson, Larue, Hardin, Breckinridge, Hancock, Daviess, and Henderson Counties, on the one hand, and, on the other, points in Florida north and west of Levy, Alachua, Putnam, and Saint Johns Counties; (5) (a) between points in Kentucky in and east of Daviess, Hancock, Breckinridge, Hardin, Larue, Taylor, Casey, Pulaski, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Arkansas on and west of U.S. Highway 167, and (b) between points in Kentucky in and east of Daviess, Hancock, Breckinridge, Hardin, Larue, Marion, Boyle, Lincoln, Rock Castle, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Arkansas east of U.S. Highway 167; (6) (a) between points in Indiana in and north of Vigo, Clay, Putnam, Morgan, Johnson, Bartholomew, Jennings, Jefferson, and Switzerland Counties, on the one hand, and, on the other, points in Arkansas (except Fort Smith), on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 22 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Louisiana State line, and (b) between points in Indiana on and east of a line beginning at Owensboro and extending along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to Indianapolis, thence along U.S. Highway 31 to the Indiana-Michigan State line, on the one hand, and, on the other, Fort Smith, Ark., and points in Arkansas north and east of the highway description in (a); and

(7) Between points in Kentucky in and east of Daviess, Ohio, Grayson, Edmonson, Barren, and Monroe Counties, on the one hand, and, on the other, points in Texas; (B) *Equipment, materials, and supplies* used in the manufacture and processing of aluminum oil well and mine machinery, aluminum pipe and aluminum supplies; (1) between points in Kentucky in and west of Hancock, Daviess, McLean, Hopkins, and Christian Counties, on the one hand, and, on the other, points in Dillon, Florence, Williamsburg, Georgetown, Marion, and Horry Counties, S.C.; and (2) between points in Indiana in and west of St. Joseph, Marshall, Fulton, Miami, Howard, Tipton, Hamilton, Marion, Morgan, Monroe, Lawrence, and Crawford Counties, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway



of the facilities of National Aluminum Corporation at or near Hawesville, Ky.

No. MC 120021 (Sub-No. E9), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Minnesota, Nebraska, Wisconsin, those points in Indiana in and north of Wayne, Henry Madison, Hamilton, Boone, Montgomery, Fountain and Warren Counties, and those in Illinois in and north of Vermilion, Champaign, McLean, Tazewell, Mason, Schuyler, Brown, and Adams Counties; and between points in North Carolina in and west of Ashe, Watauga, Caldwell, Burke, and Cleveland Counties, on the one hand, and, on the other, points in New York in, west and north of Steuben, Schuyler, Tompkins, Cortland, Madison, Oneida, Herkimer, Montgomery, Schenectady, Saratoga, and Washington Counties, and points in Pennsylvania in, north and west of Lawrence, Mercer, Venango, Forest, Elk, Cameron, and Potter Counties. The purpose of this filing is to eliminate the gateways of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub-No. E17), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Kentucky in and east of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knott, and Pike Counties, on the one hand, and, on the other, points in Arkansas in and west of Sebastian, Logan, Johnson, Newton, and Boone Counties; (2) between points in Kentucky in and east of Kenton, Pendleton, Marrison, Bourbon, Fayette, Madison, Jackson, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Missouri in, north and west of McDonald, Laurence, Greene, Webster, Laclede, Pulaski, Phelps, Gasconade, Franklin, and St. Louis Counties; (3) between points in Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Jessamine, Garrard, Lincoln, Pulaski, and Wayne Counties, on the one hand, and, on the other, points in Illinois in and north of Adams, Brown, Scott, Morgan, Sangamon, Macon, Moultrie, Coles, and Clark Counties, and those in Indiana in and north of Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, and Union Counties; (4) between points in Kentucky in and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties, on the one hand, and, on the other, points in Nebraska; (5) between points in Kentucky in and east of Breckenridge,

Grayson, Edmondson, Warren, and Simpson Counties, on the one hand, and, on the other, points in Minnesota; (6) between points in Kentucky in and east of Oldham, Shelby, Spencer, Nelson, Larve, Hart, Barren, and Monroe Counties, on the one hand, and, on the other, points in Wisconsin; (7) between points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Christian Counties, on the one hand, and, on the other, points in Washington, D.C.; (8) between points in Kentucky west of Bracken, Robertson, Nicholas, Bourbon, Clark, Estill, Jackson, Laurel, Knox, and Whitely Counties, on the one hand, and, on the other, points in Maryland and Pennsylvania; (9) between points in Kentucky in and west of Mason, Fleming, Rowan, Menifee, Wolfe, Lee, Owsley, Clay, and Bell Counties, on the one hand, and, on the other, points in New York and Rhode Island; and (10) between points in Kentucky in and west of Mason, Fleming, Bath, Montgomery, Powell, Estill, Jackson, Laurel, and Whitely Counties, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of Dayton, Ohio, and points within 25 miles thereof.

No. MC 123407 (Sub-No. E205), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as building material (except in bulk), from points in Winnebago County, Ill., to points in and east of Preston, Taylor, Harrison, Lewis, Braxton, Nicholas, Fayette, Raleigh, Wyoming, and McDowell Counties, W. Va. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at Kokomo, Ind.

No. MC 129631 (Sub-No. E5) (Correction), filed June 2, 1974, published in the FEDERAL REGISTER June 5, 1975. Applicant: PACK TRANSPORT, INC., 2975 S. 2nd West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Building materials*, between Baker, Oreg., on the one hand, and, on the other, points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County on and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 80N to junction Utah Highway 83, thence along Utah Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Box Elder-Cache County line. The purpose of this filing is to eliminate the gateway of Oneida County, Idaho. The purpose of this partial correction is to correct the territorial description. The

remainder of this letter-notice remains as previously published.

No. MC 129872 (Sub-No. E5), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Nebraska located on, west, and north of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80S to junction Interstate Highway 80, thence along Interstate Highway 80 to North Platte, Nebr., thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to Ansley, Nebr., thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Illinois located on and south of a line beginning at the Iowa-Illinois State line and extending along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Crawford-Clark County line, thence along the Crawford-Clark County line to the Illinois-Indiana State line (except points in Pike County, Ill., located west of Illinois Highway 96 and north of U.S. Highway 54). The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa.

No. MC 129872 (Sub-No. E6), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Illinois located on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 6 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, and on and north of a line beginning at the Iowa-Illinois State line, and extend-



ing along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Crawford-Clark County line, thence along the Crawford-Clark County line to the Illinois-Indiana State line, on the one hand, and, on the other, points in Nebraska located on and north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 6 to McCook, Nebr., thence along U.S. Highway 83 to the Frontier-Lincoln County line, thence along the Frontier-Lincoln County line to the Frontier-Dawson County line, thence along the Frontier-Dawson County line to the Dawson-Gosper County line, thence along the Dawson-Gosper County line to U.S. Highway 283, thence along U.S. Highway 283 to Lexington, Nebr., thence along Nebraska Highway 21 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to Grand Island, Nebr., thence along U.S. Highway 30 to Schuyler, Nebr., thence along Nebraska Highway 15 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to the Dakota County line, thence along the Dakota-Dixon County line to the Dakota-Thurston County line, thence along the Dakota-Thurston County line to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-17420 Filed 7-2-75;8:45 am]

[Notice 803]

#### ASSIGNMENT OF HEARINGS

JUNE 30, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12339, H. W. Taynton Company, Inc.—Purchase—Margaret B. Bowser and the Estate of Robert Bowser and MC 109821 (Sub-No. 40), H. W. Taynton Company, Inc., now

assigned July 14, 1975 at Philadelphia, Pennsylvania, is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-17421 Filed 7-2-75;8:45 am]

[Notice 19]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 23, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75785. By order entered June 26, 1975, the Motor Carrier Board approved the transfer to Van Auker Express, Inc., Greenville, N.Y., of Certificate of Registration No. MC 99588 (Sub-No. 1), issued November 22, 1963, to Corsall Bros. Truck Lines, Inc., Albany, N.Y., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, household goods, and lumber, lime, feed and machinery, from, to, and between points in New York. Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210, attorney for applicants.

No. MC-FC-75884. By order entered June 20, 1975, the Motor Carrier Board approved the transfer to Carpenters Motor Transport, Inc., Burlington, VT., of the operating rights set forth in Certificate of Registration No. MC-105506 (Sub-No. 3), issued June 10, 1964, to Bertha M. Carpenter Boyer, doing business as Carpenters Motor Transport, Burlington, VT., evidencing a right to engage in transportation, in interstate or foreign commerce, of property, between specified points in Vermont. P. Michael Frye, 135 College St., Burlington, VT. 05401, attorney for applicants.

No. MC-FC-75895. By order of June 20, 1975, the Motor Carrier Board approved the transfer to Maust Transfer Company, a corporation, Seattle, Wash., of the operating rights in Certificate No. MC 28970 issued August 20, 1952, to Service Transfer, Inc., Seattle Wash., authorizing the transportation of general commodities, usual exceptions, between points within three miles of Seattle, Wash., including Seattle. William H.

Grady, 1100 Norton Building, Seattle, Wash. 98104, attorney for applicants.

No. MC-FC-75904. By order of June 20, 1975, the Motor Carrier Board approved the transfer to Shepley Motor Express, Inc., Thornton, Ill., of the operating rights in Certificate No. MC 129770 issued February 26, 1969, to S & O Cartage Co., Inc., South Holland, Ill., authorizing the transportation of show horses, and in connection therewith, supplies and equipment used in the care and exhibition of such animals, between points in Illinois and Wisconsin. Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-75912. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to Yelvington Transport, Inc., Daytona Beach, Fla., of the operating rights set forth in Permit No. MC 139340, issued May 5, 1975, to Conrad Yelvington Distributors, Inc., Daytona Beach, Fla., authorizing the transportation of pipe, from Ocala, Fla., to points in Alabama and Georgia; and iron forms, lumber, machinery parts, and steel mesh, from points in Alabama and Georgia, to Ocala, Fla., restricted to a transportation service to be performed under a continuing contract, or contracts, with United States Concrete Pipe Company. Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202, attorney for applicants.

No. MC-FC-75915. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to William F. Dickerson, Milford, Del., of that portion of the operating rights set forth in Certificate No. MC 72069, issued March 11, 1943, to Blue Hen Lines, Inc., Milford, Del., authorizing the transportation of canned goods, from Dover, Del., and points in Delaware within 20 miles of Dover, and points in specified counties in Maryland, to points in New York, New Jersey, Maryland, Connecticut, Virginia, and a specified area in Pennsylvania, and the District of Columbia; and from Linesboro, Md., and points in specified counties in Maryland, and points in Delaware, to Wilmington, Del., Perryville and Baltimore, Md., New York, New Jersey, a specified area in Pennsylvania, and the District of Columbia. Chester A. Zyblut, 1522 K St., N.W., Suite 634, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-75927. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to R. Lavoie Trucking Inc., Coaticook, Quebec, Canada, of the operating rights set forth in Certificate No. MC 41626, issued March 29, 1972, to Elwell Trucking, Inc., Greenfield, Mass., authorizing the transportation of various specified commodities, from, to, and between points in Massachusetts, New York, New Jersey, and Vermont. David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-17422 Filed 7-2-75;8:45 am]



# Federal Register

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART II



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## ENVIRONMENTAL PROTECTION AGENCY

■

### PESTICIDE PROGRAMS

Registration, Reregistration and  
Classification Procedures



## Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

## SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 393-4]

PART 162—REGULATIONS FOR THE EN-  
FORCEMENT OF THE FEDERAL INSEC-  
TICIDE, FUNGICIDE, AND RODENTICIDE  
ACTSubpart A—Registration, Reregistration  
and Classification Procedures

On October 16, 1974, notice was published in the FEDERAL REGISTER (39 FR 36973) proposing regulations to amend 40 CFR 162 pursuant to the authority of sections 3 and 25 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act (FEPCA), Pub. L. 92-516, 86 Stat. 973, hereinafter referred to as amended FIFRA. The regulations shall read as set forth below. The intent of this rule-making is to revise present procedures for the registration of pesticides and establish procedures for the reregistration and classification of pesticides to conform to the provisions of the amended FIFRA.

Throughout the development of these regulations, the Agency has taken every opportunity to solicit public views and comments. Beginning with the January 9, 1973, FEDERAL REGISTER notice (38 FR 1142), the Agency stated that public comments on the form and content of the regulations were invited. Moreover, the Agency in the January 9, 1973 notice set forth its "preliminary views" on the regulations, including registration. Shortly thereafter, the Agency held a number of informal public hearings on the classification and registration provisions under the amended FIFRA. Each of the views and comments received at these hearings was then considered in the development of an initial draft regulation.

As the numerous draft proposals were developed by the Agency, they were made available to all interested parties. Comments on the drafts were received from State regulatory agencies, industry, trade associations, environmental groups, other Federal agencies, and individual Congressmen. Further, representatives of the Office of Pesticide Programs discussed at length various proposals with representatives from each of these groups. The comments received were considered in evaluating the merits of each of the drafts and modifications were made where appropriate.

In July, 1974, following distribution of over 2,000 copies of the complete draft regulation the Agency held an informal public hearing in Washington, D.C. At this hearing, representatives of the Agency explained in detail the major provisions of the draft regulation and the rationale behind each provision. Attendees made formal statements, submitted written comments and raised specific questions on the draft which the officials of EPA addressed; a transcript of the hearing was taken. After consideration of the views expressed at the pub-

lic hearing, the proposed regulations were published in the FEDERAL REGISTER for formal public comment.

Many interested parties complained that the comment period on the proposed regulations was too short. After consideration of these complaints, the Agency notified all interested parties that comments on the regulations would be received and considered during the period of preparation of the final regulations. Numerous comments were in fact received and considered during the several months preceding issuance of these regulations. In addition, during this same period the Agency held information meetings, on request, with as many interested parties as possible to explain the proposed regulations and modifications under consideration. As a result, written comments on the proposed regulations were received from over 200 interested parties. All of these comments have been reviewed and are on file with the Agency. Certain of these comments have been adopted and others were substantially satisfied by editorial changes, deletions from or additions to the regulations.

Finally, on a number of occasions, certain parties, representative industry groups in particular, have complained that they could not fully comment on the Section 3 regulations without having the Guidelines relating to data submissions available at the same time. These contentions are rejected for the following reasons. First, beginning as early as January, 1972, drafts of the Guidelines have been made available to all interested parties. The pesticide industry, through its representatives, has not only had an opportunity to comment on these various drafts over the last two years but has been involved in reviewing and assessing comments and in suggesting modifications. Second, the regulations establish data and evaluation criteria which are self-contained. Informed comments as to the regulations, then, did not depend on whether or not the Guidelines for testing and data development were published in the FEDERAL REGISTER for formal public comment at the same time as these regulations were so published. For these reasons, it is believed that all affected parties have had a full and fair opportunity to comment on these regulations.

## GENERAL

Passage of the 1972 amendments to FIFRA enacted through the Federal Environmental Pesticide Control Act<sup>1</sup> (FEPCA) was part of a wave of environmental legislation which completely overhauled Federal environmental regulatory authority. In 1970, Congress passed the Clean Air Act<sup>2</sup> and in 1972, along with the amendments to FIFRA, Congress enacted substantial amendments to the Federal Water Pollution Control Act.<sup>3</sup>

<sup>1</sup> 86 Stat. 975, Pub. L. 92-516, 7 U.S.C. 136.

<sup>2</sup> Clean Air Amendments of 1970, 84 Stat. 1976, Pub. L. 91-604, 42 U.S.C. 1857.

<sup>3</sup> Water Pollution Control Amendments of 1972, 86 Stat. 816, Pub. L. 92-500, 33 U.S.C. 1251.

While Federal regulation of pesticides first began in 1910 and was substantially expanded in 1947,<sup>4</sup> the 1972 amendments completely restructured the Federal pesticide regulatory scheme and redefined its thrust. FIFRA was changed "from a labeling law into a comprehensive regulatory statute that will henceforth more carefully control the manufacture, distribution, and use of pesticides."<sup>5</sup> As the House Committee on Agriculture summarized in its Committee Report:

The Committee found the greatest need for revision of existing laws to be in the areas of strengthening regulatory controls on the uses and users of pesticides, speeding up procedures for barring pesticides found to be undesirable; streamlining procedures for making valuable new measures, procedures, and materials broadly available; strengthening enforcement procedures to protect against misuse of these biologically effective materials; and creating an administrative and legal framework under which continued research can produce more knowledge about better ways to use existing pesticides as well as developing alternative materials and methods of pest control.<sup>6</sup>

It is clear that Congress' primary purpose in enacting FEPCA was to ensure that pesticide use was subject to a thorough environmental and human health hazard review.<sup>7</sup>

In keeping with this environmental and human health perspective, the amended FIFRA established many new requirements for review in connection with the registration process. This preamble discusses the new requirements, their implementation by these regulations and the Agency's responses to comments received on the proposed regulations.

## COMMENTS AND REVISIONS

Section 162.2 *Principal Statutory Provisions*. Several commenters suggested that this entire section be deleted or that it track the statute verbatim. The principal statutory provisions of FIFRA relevant to the registration, reregistration and classification of pesticides are described in the regulations for the convenience of the reader who may not have a copy of FIFRA on hand. In response to the comments, several modifications have been made in the text to track the statute more closely. We reiterate, however, that any specific question of statutory interpretation must necessarily be

<sup>4</sup> The Insecticide Act of 1910 prohibited the interstate sale of any insecticide or fungicide which was adulterated or misbranded; however, the Act did not require registration of pesticides. The concern of the 1910 Act was the effectiveness of products and deceptive labeling. The 1947 FIFRA established a registration requirement, but authority to deny registration applications was not provided until 1964. As with the 1910 Act, the 1947 FIFRA's primary purpose was the protection of consumers from ineffective products. See *Stearns Electric Paste Co. v. Environmental Protection Agency*, 461 F.2d 293 (7th Cir. 1972).

<sup>5</sup> H.R. REP. No. 92-111, 92 Cong., 1 Sess. 4 (1971).

<sup>6</sup> House Report, at 4.

<sup>7</sup> House Report, at 13, 20 and Senate Report, at 5.



based on FIFRA, as amended, the provisions of the substantive regulations implementing it, and any judicial interpretation thereof.

Section 162.3 Definitions. Several commenters indicated that it is unnecessary to repeat in the regulations a definition contained in FIFRA. Those definitions which appear in FIFRA and are repeated in the regulations are either essential to the understanding of these regulations or have been given further interpretation by these regulations.

(1) Section 162.3(a) *Accident*. Several commenters suggested that the word "unreasonable" be added to the definition of this term to indicate the extent of the adverse effect upon man or the environment. These commenters misunderstand the statutory scheme of FIFRA, as amended. A finding of unreasonable adverse effect on the environment from use of a pesticide is grounds for the cancellation or the denial of the registration of a pesticide. The occurrence of an accident alone may or may not establish that a pesticide causes an unreasonable adverse effect on man or the environment. Such a determination is made after a full review and evaluation of the evidence in each case. Where the effects from use of a pesticide are found to be unreasonable, appropriate actions will be taken by the Agency.

(2) Section 162.3(c) *Active Ingredient*. (a) Several commenters asked that the word "attract" be deleted from § 162.3(c) (1). They argued that it is not included within the statutory definition of "active ingredient", and furthermore that the Agency has included several attractants as examples in its definition of inert ingredient, § 162.3(t). Amended FIFRA, at section 2(a) (1), defines active ingredient, in part, as an ingredient which will prevent, destroy, repel or mitigate any pest. Where an ingredient falls within this broad statutory standard, it will be evaluated as an active ingredient. The definition of "attractant", within the larger definition of "pesticide" at § 162.3 (ff) (3), indicates which attractants are active ingredients and which are inert ingredients. In addition, the reader is referred to the definition of inert ingredient at § 162.3(t) and the factors, listed at § 162.6(b) (2) (i) (C) (2), used by the Agency to determine whether an ingredient is active or inert. To avoid the apparent confusion caused by inclusion of the word "attract" at § 162.3(c) (1), it has been deleted.

(b) In response to comment, and in order to clarify the term active ingredient, in the case of a plant regulator, "biochemical" has been added to the definition at § 162.3(c) (2).

(c) Section 162.3(c) (2), as proposed, has been transposed to § 162.6(b) (2) (i) (C) (2).

(3) Section 162.3(j) *Application of a Pesticide*. In order to clarify that the Agency includes placement for effect of a pesticide within the meaning of "application of a pesticide", this term has been defined. The Agency feels that the definition of the term "direct application" is

redundant and accordingly has deleted § 162.3(1), as proposed.

(4) Section 162.3(k) *Changed Use Pattern*. Questions arose concerning the indices the Agency will evaluate in determining whether a new use is a changed use pattern. The distinction becomes important in the notice provisions of section 3(c) (4) of the Act and the regulations thereunder. To clarify the Agency's interpretation of a changed use pattern, the term has been defined as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of "significant" changes are included in the definition. Deletion of a significant use pattern is also included within the scope of this term so as to provide user groups with notice of these regulatory actions.

(5) Section 162.3(l) [§ 162.3(j)]<sup>8</sup> *Degradation Product*. The Agency intends to include within the meaning of "degradation product" a substance resulting from any transformation of a pesticide. For greater clarity the definition has been modified to read: "by physico-chemical or biochemical means." "Electromagnetic" has been deleted, pursuant to comment, to avoid redundancy.

(6) Section 162.3(k), proposed. *Delayed Reaction*. Several commenters objected that this term, as defined in the proposed regulations, was too specific and out of context compared with the other definitions of toxicity. After considering the matter, the Agency has concluded that the term is self-explanatory and should, therefore, be deleted.

(7) Section 162.3(m) [§ 162.3(i)], *Domestic Application*. (a) Several commenters correctly pointed out that the definition of "domestic application" as proposed included only application of a pesticide in, on, or around areas associated with the household or homelife and excluded use of a pesticide in many places where people are present for prolonged periods of time. They urged the addition to the category of domestic application of the use of a pesticide in a wide range of institutions including restaurants, hospitals, nursing homes, parks, playgrounds, schools, and office buildings.

The rationale for distinguishing domestic application from non-domestic application is based on an evaluation of risk taking into account the degree of competence of the user, the susceptibility of people likely to be exposed, and the potential for accidental exposure to individuals other than the user. In certain situations, these factors clearly determine into which of the two classes of application a use falls. For example, use of a pesticide in a home is a domestic

<sup>8</sup> Where section numbers have been changed between the proposed regulations and these final regulations, the Preamble refers to the section as designated in the final regulations. For the benefit of the reader, the Section number which appeared in the regulations as proposed follows immediately after the final Section number in brackets, [ . . . ], as appropriate.

application, while use in a factory or commercial institution is a non-domestic application. In other situations, however, the Agency must carefully weigh the factors to determine whether the use should be considered a domestic application and thereby be subject to the more restrictive classification criteria. Pesticides intended for application in patient care areas of health related institutions and institutions where children spend time are considered by the Agency to represent, on balance, a higher risk to the exposed population. Even though the user is likely to be competent in the use of pesticides, population groups of particular susceptibility are present in these institutions. These groups include the aged, infirmed, and young. Accordingly, these institutions have been added to the general scope of the term "domestic application" and new subparagraphs (3) and (4) have been included to give examples of the specific types of institutions the Agency considers within the scope of the term.

The suggestion that use of a pesticide in a restaurant or office building be considered a domestic application has been rejected. Not only is the user of the pesticide in these locations likely to be competent in the use of pesticides; but, moreover, population groups of particular susceptibility are not likely to be present for prolonged periods of time, and therefore, there is no reason to expect a higher incidence of accidental exposure to third parties. Adequate margins of safety exist in use of pesticides in these locations and therefore these uses are considered non-domestic.

(b) Several commenters suggested that the term "non-domestic application" be defined. Domestic application is defined in detail in the regulations. If a pesticide use does not fall within this definition, by the very terms of the definition, it will be a non-domestic application. The Agency feels that definition of the term "non-domestic application" would be redundant.

(8) Section 162.3(n) [§ 162.3(m)], *Drift*. In response to comment, the word "immediately" has been inserted to qualify "after application" and clarify the confusion over the definition, as proposed. The Agency does not consider the processes of diffusion and volatilization to be included within the term drift.

(9) Section 162.3(r) [§ 162.3(q)], *Hazard*. As with § 162.3(a), *accident*, several commenters asked that the word "unreasonable" be added to this definition to indicate the extent of the adverse effect on man or the environment. For the same reasons as explained above, in the discussion of § 162.3(a), such a modification is unacceptable. Upon the finding of hazard, there must be a separate determination of whether the hazard constitutes an unreasonable adverse effect on man or the environment.

(10) Section 162.3(s) *Immediate Container*. A new definition of the term "immediate container" has been added to clarify the labeling requirements of § 162.10.

(11) Section 162.3(w) [§ 162.3(u)] *Metabolite*. Several commenters indi-



cated that the definition of metabolite as proposed was technically incorrect. They urged that "or induced by" be deleted because metabolites are not "induced by" living organisms or by biological processes. The Agency is in accord and has deleted the same.

(12) Section 162.3(y) [§ 162.3(w)] *Mutagenic*. Several commenters suggested that the definition of this term was inaccurate. It had been defined to mean "the property of a substance or mixture of substances to induce genetic or somatic changes in subsequent generations." The Agency agrees and the language of this definition has been changed to read "changes in the genetic complement of either somatic or germinal tissue in subsequent generations."

(13) Section 162.3(bb) [§ 162.3(z)] *Oncogenic*. Many commenters objected to the use of the term "oncogenic," requesting that it be replaced by term "carcinogenic." An oncogenic effect includes induction of benign or malignant tumors. The commenters argued that this distinction should be maintained for regulatory purposes. EPA has determined that the once significant distinction between benign and malignant tumors has lost much of its validity. The federal court in its review of the Agency order suspending most uses of pesticide products containing aldrin and dieldrin recently upheld this determination as reasonable and within the discretion of the Administrator. *EDF v. EPA*, 510 F.2d 1292, 1300 n 21 (D.C. Cir., 1975). EPA, therefore, rejects the proposal that this term be deleted. Several modifications to the proposed definition however, have been made for greater clarification. The phrase "induce benign or malignant tumor formations" has been added to clarify that the Agency indeed considers both to be hazardous.

(14) Section 162.3(cc) [§ 162.3(aa)] *Outdoor Application*. Several commenters asked that the term "indoor application" be defined in addition to the term "outdoor application." The term "indoor application" is not explicitly used in these regulations. Each pesticide use will be evaluated to determine if it is an outdoor application. If it is, additional criteria must be evaluated in determining the appropriate use classification. If a pesticide use is not an outdoor application, the indicators for domestic or non-domestic application, as appropriate, alone will be evaluated to determine the appropriate use classification.

(15) Section 162.3(dd) *Operated by the same Producer*. Many commenters suggested revision of § 162.5(b)(1) [§ 162.5(a)] which sets forth the statutory exemption from the registration requirement for pesticides transferred between establishments operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. In order to clarify the Agency's interpretation of the term "operated by the same producer," this phrase has been defined. The reader is

referred to the discussion of Section 162.5(b)(1) below for a full explanation of that Section.

(16) Section 162.3(ff) [§ 162.3(cc)] *Pesticide*. (a) Many commenters asked that the word "attracting" and the class of pesticide, "attractant" be deleted from § 162.3(ff). They argued that "attracting" is not included within the statutory definition of pesticide. That definition reads in part: "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest." The Agency agrees that "attracting" does not *per se* constitute pesticidal activity and accordingly the word has been deleted from the first paragraph of § 162.3(ff). It does not follow, however, that an attractant is not a class of pesticide. The Agency takes a broad view of the definition of pesticide. Where a substance or mixture of substances is intended to prevent, destroy, repel or mitigate any pest, it is a pesticide. If an attractant falls within this statutory standard, it is a pesticide. Accordingly, "attractant" has been retained as a class of pesticide. Section 162.3(ff)(3) gives examples of substances which are and which are not considered attractants, for the purposes of the Act.

(b) The proposed regulations at §§ 162.3(ff)(1) and (4) had declared certain devices subject to the Act, pursuant to the authority conferred upon the Administrator at section 25(c)(4) of FIFRA, as amended. A commenter correctly pointed out that other classes of devices should be regulated. Accordingly for purposes of clarity and thoroughness, a new § 162.15 has been added to these regulations. The reference to devices in § 162.3(ff)(1) and (4) has been deleted. The reader is referred to § 162.15 and its explanation below.

(c) Several commenters raised questions concerning the wording of the definition of "pesticide". It has been substantially rewritten for greater clarity and thoroughness (1) to provide more exact usage of the terms "preventing, destroying, repelling or mitigating"; (2) to set forth with specificity those classes of pesticides we have evaluated; (3) to clarify that use of the unmodified term "pesticide" encompasses the active ingredient, pesticide formulation, and pesticide product; and (4) to clarify that the use for pesticidal purposes of biological-type and biologically-derived substances falls within the scope of the Act. There has been no change in the Agency interpretation of the term "pesticide".

(17) Section 162.3(hh) [§ 162.3(cc)] *Pesticide Product*. Several commenters argued that the phrase "commercial product" in the definition of "pesticide product", as proposed, was misleading. The Agency is in accord and the definition has been rewritten.

(18) Section 162.3(kk) [§ 162.3(hh)] *Residue*. Several commenters suggested that substitution of the phrase "and its metabolites or degradation products" for the phrase "dissimilation products", which appeared in the definition of this

term as proposed, would be more accurate. The Agency is in accord and has substituted the same.

(19) Section 162.3(mm) [§ 162.3(jj)] *Teratogenic*. Commenters argued that the phrase "to produce or incite" which appeared in the definition of this term as proposed is inaccurate and that it should be deleted. The notion of producing a functional deviation is important and is retained, but the word "induce" has been substituted for the word "incite". Furthermore, commenters argued that use of the word "ordinarily" was ambiguous and that the word "hereditable" is improper. "Ordinarily" has been deleted. Although "hereditable" is an acceptable term, "heritable" has been inserted in its place.

(20) Section 162.3(nn) [§ 162.3(kk)] *Toxicity*. (a) Several commenters suggested that the definition of toxicity be clarified by substituting the word "pathological" for the phrase "adverse physiological", which appeared in the definition of this term as proposed. The definition has been rewritten to include both of these notions.

(b) Several commenters argued that the "90 days", which was proposed as an indicator to differentiate subacute from chronic toxicity, § 162.3(nn)(2) and (3) was inappropriate. The phrase has been deleted. Instead of 90 days, the Agency will distinguish subacute from chronic toxicity by evaluating results on the basis of "one-half the life of the organism."

(21) Section 162.3(oo) [§ 162.3(11)] *Use*. (a) Many commenters objected to the proposed definition of the term "use". They argued that it should be limited to the intentional application of a pesticide and that required supervisory, disposal and storage actions should not be included. While the term "use" is not defined in the Act, it is repeated throughout and is basic to the Act's regulatory scheme. The term's legal meaning can be construed from the provisions of the Act and its legislative history. First, the legislative history clearly establishes that the major thrust of the 1972 FIFRA was to create a statutory mechanism to regulate the use of pesticides. The "misuse" of a pesticide was made an illegal act subject to civil and/or criminal sanctions, as appropriate. Second, the provisions of the statute and legislative history set forth a Congressional concern over all dimensions of pesticide use. Pursuant to section 3(c)(5)(D) of the Act, a pesticide cannot be approved for registration unless the Administrator determines that when used, it will not generally cause unreasonable adverse effects on the environment. Sections 19 and 25(c)(3) explicitly provide for regulation of pesticide packaging and the storage and disposal of pesticides and pesticide containers. Accordingly, the packaging of a product and the directions for and commonly recognized practices of storage and disposal are evaluated in determining whether or not a product can be regis-



tered. Section 3(d) of the Act provides that the use of certain pesticides shall be restricted to application only by or under the direct supervision of a certified applicator. Therefore, both the person applying the pesticide and the supervising certified applicator are "using" the pesticide. From the comprehensive regulatory scheme of the Act, it is clear that the term "use" was not intended by Congress to be synonymous with application, but rather was intended to have a more expansive meaning which would include the direction and supervision of an actual pesticide application, the storage and disposal of pesticides, and any other actions required by the Act and these regulations.

Some questions have arisen concerning the implications of the definition of "use" in these regulations with respect to the requirement for certification of applicators. It has been suggested that the definition of use in these regulations would require that persons who manufacture, transport, store or distribute restricted use pesticides will have to be certified, because such persons are "using" the pesticides in question. This view reflects a misunderstanding of the structure of the amended FIFRA, and the scope of the certification requirement. Section 12 (a) (2) (F) of the Act provides in pertinent part, that it is unlawful to use a restricted use pesticide "other than in accordance with section 3(d) . . ." Section 3(d) requires the administrator to classify uses of pesticides for general or restricted use, and provides that in certain circumstances he must restrict the application of such pesticides only to certified applicators (or competent individuals under their direct supervision). Thus, the requirement for certification is only imposed with respect to application of restricted use pesticides. However, the Agency observes that in order to become certified, an applicator must be determined to be competent "with respect to the use and handling" of pesticides. A short explanation has been included immediately after the definition of "use" in these regulations to eliminate any possible ambiguity concerning this matter.

(b) Several commenters were confused by the definition of the term "use" as proposed. It has been rewritten for greater clarity.

(22) Section 162.3(pp) [§ 162.3(mm)] *Use Dilution*. Several commenters argued that the proposed definition of "use dilution", was misleading. The Agency recognizes that a pesticide may be applied in different concentrations depending upon the mode of application. The definition has been rewritten accordingly.

(23) Section 162.3(qq) *Use Pattern*. A new definition of "use pattern" has been included to clarify, in accordance with the term "changed use pattern", § 162.3(k), the indices the Agency will evaluate in determining whether a new use is a changed use pattern.

Section 162.4 *Status of Products as Pesticides*. This section sets forth the criteria which will be evaluated to determine if a product is a pesticide prod-

uct, and therefore, within the scope of FIFRA, as amended, and the regulations promulgated thereunder.

(1) Section 162.4(a) *Determination of Intent of Use*. Whether a substance or mixture of substances is a pesticide pursuant to the Act depends upon the use for which it is reasonably intended. A commenter objected to the statement in the regulations, as proposed, that the intent may be either express or implied. There is a long standing principle at law that intent may be either express or implied. The Agency has always evaluated the express and implied intentions of the user of a product and will continue to operate on the basis of this standard.

(2) Section 162.4(b) *Products Considered to be Pesticides*. (a) A commenter objected to § 162.4(b) (3), [§ 162.4(b) (4)], arguing that a product intended for use as a pesticide after reformulation should not be considered a pesticide product. Technical compounds are currently registered by the Agency. Amended FIFRA makes no distinction between products intended for use as formulated or after reformulation, and requires that both be registered. The commenter argued that reformulation may effect significant changes in the efficacy and hazard of the pesticide product. For this very reason, § 162.6(b) (1) provides that a product registration may pertain to only one formulation and that variations in the formulation of the pesticide product require separate registrations, except as specifically provided in § 162.21(a) of these regulations.

(b) Many commenters argued that § 162.4(b) (4) [§ 162.4(b) (5)] as proposed is without statutory authority. The Section declared a product to be a pesticide if it is intended for use both as a pesticide and for other purposes and stated that such a product is subject to the misbranding provisions of section 2(q) (1) (A) of amended FIFRA, both as to its pesticidal and non-pesticidal claims. Section 2(q) (1) (A) of the Act provides that a pesticide is misbranded if "its labeling bears any statement, design or graphic representation thereto or to its ingredients which is false or misleading in any particular". (Emphasis added). The statute, therefore, clearly requires that false or misleading statements, concerning both the pesticidal and non-pesticidal properties of a pesticide product, constitute misbranding. This is the longstanding interpretation of the Agency. [See, extant 40 CFR 162.101(b) (3) (ii) ]. In these final regulations, for purposes of organization, the reference to the misbranding provision of section 2(q) (1) (A) has been deleted from § 162.4(b) (4) and is now set forth at § 162.10(a) (5).

(3) [Section 162.4(c)] *Products Considered to be Pesticides and Drugs*. Section 162.4(c) as proposed provided that registration of a product considered to be a drug as well as a pesticide, would be dependent on approval of the substance by the Food and Drug Administration. For purposes of organization, this Section has been deleted from § 162.4 and

incorporated into § 162.7(d) (1), *Criteria for Approval of Registration*, as a new paragraph § 162.7(d) (1) (vi). A complete discussion of the comments received pertaining to this Section is found below at the explanation of § 162.7(d) (1) (vi).

(4) Section 162.4(c) [§ 162.4(d)] *Products not Considered Pesticides*. (a) Many commenters objected to the interpretation of the term pesticide in § 162.4(c) (2), as proposed. It had provided that paints and other formulated coatings which are treated with a fungicide to protect the coating itself and which are not intended for preventing or destroying fungi after application to any surface are within the meaning of the term pesticide. Under this interpretation only a paint treated with a pesticide intended to protect the paint itself while in the canister would not be considered a "pesticide". The commenters have contended that the Agency's interpretation, as regards paints and other formulated coatings, is inconsistent with its handling of other building materials. Section 162.4(c) (3) provides that building materials which are treated with a pesticide to protect the material itself and for which no pesticidal claims are made as protection of other surfaces or objects in the manufacture, sale, or distribution of the product are not considered pesticides, and therefore, are not subject to the registration requirements of amended FIFRA. After reconsideration, EPA has interpreted the definition of "pesticide" as applied to paints and other formulated coatings which are treated with fungicides, in a similar manner as all other building materials. Paints and other formulated coatings which are treated with fungicides to protect the dried coating itself and which are not intended for protection of other surfaces are not considered pesticides. However, paint products intended to be applied to a surface to kill mildew organisms and paint products formulated to kill or prevent the growth of mold in food processing plants, dairies and breweries are considered to be pesticides and will require registration in accordance with FIFRA, as amended. Promulgation of the regulations in this form, represents a continuation of the current policy.

The fungicide added to the paint or other formulated coating to protect the coating itself is a pesticide and is currently registered by the EPA. These products will continue to be so registered. Before the registration of any pesticide is approved by EPA the applicant must establish that his product under use conditions, satisfies all the requirements of the Act. The Agency accordingly, before registering such a fungicide for use as an additive in paints or other formulated coatings, must make the determination that the pesticide's composition is such as to warrant the claims made, it will be used without causing unreasonable adverse effects on man or the environment, and it otherwise complies with the requirements of the Act. The EPA is satisfied that a thorough review of the fungicide, with



a view toward its end use, will protect man and the environment from unreasonable adverse effects.

Many questions have arisen concerning those statements of mildew resistance which will not subject a paint product to registration as a pesticide. The following label claims are acceptable, provided no additional claims implying protection of another surface are made elsewhere in the labeling or in advertising or other promotional material: "Mildew Resistant—treated with fungicide to protect the paint itself from growth of mildew"; "Mildew Resistant—This paint contains agents which inhibit the growth of mildew on the surface of this paint film"; "Dry coating of this paint mildew resistant"; "Dried paint film resists mold fungus"; "Dry enamel coating resists discoloration from mildew"; "Dried film resists stains by mold"; "A fungicide (or mold control ingredient, or mildew resisting component) has been incorporated in this product to make its dry film mildew resistant"; "Treated with fungicide (or specially formulated) to resist mildew growth on the paint film"; "Gives mildew-resistant coating"; "The mildew resistance of this outside house paint film makes it especially useful for use in high humidity areas"; "Contains \* \* \* to protect the contents from spoilage"; "With fungicide—Resists film attack by mildew."

(b) A commenter suggested that a subsection be added to explicitly state that the term pesticide product does not encompass a substance or mixture of substances intended only for experimental use to determine its value for pesticidal purposes or its toxicity or other properties, where the user expects no benefit in pest control. Such an explicit statement is unnecessary. The concept is implicit in the definition of the term "pesticide" and the discussion of *Determination of Intent of Use* at Section 162.4(a). The concept is also in accord with the regulations recently published by EPA concerning experimental use permits, 40 CFR 172, 40 FR 18780, (April 30, 1975).

Section 162.5 *Pesticides Required to be Registered*. (1) Section 162.5(a) *Registration Requirement*. A new Section has been added to these regulations to set forth the statutory standard of Section 3(a) of amended FIFRA, regarding the requirement for registration of a pesticide product.

(2) Section 162.5(b) (1), [§ 162.5(a)], *Pesticides Exempt from Registration; Pesticides Transferred between Establishments*. (a) In accordance with section 3(b) (1) of FIFRA, as amended, this section sets forth the statutory exemption from the registration requirements for a pesticide transferred from one registered establishment to another registered establishment, operated by the same producer, solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. Many commenters asked that the phrase "by the same producer" be

deleted, or that "by or under contract" be added. Both of these suggestions conflict with the explicit language of the Act. Section 162.5(b) (1) is a verbatim rendition of the exemption created by section 3(b) (1) of the Act.

The Agency believes that much of the comment to this Section was generated by confusion as to the meaning of the term "operated by the same producer." Accordingly, the term has been defined at § 162.3(dd). An establishment operated by the same producer includes one owned by the registrant of the pesticide product and one operated under contract with the registrant of the pesticide product either to package the pesticide product or use the pesticide as a constituent part of another pesticide product, provided that the final pesticide product is registered by the transferor establishment. The proviso clause of this term is very important. It is not enough that a contract relationship exist between the parties. The transferor establishment must be the one that holds the registration of the final pesticide product. The Agency believes that Congress in its use of the term "operated by the same producer," has recognized the common business practice among registrants of contracting for the packaging or formulation of a pesticide product.

(b) Many questions have arisen concerning the scope of section 3(b) (1) of the Act and § 162.5(b) (1) of these regulations. A pesticide product, when transferred from one registered establishment to another registered establishment, operated by the same producer for the purposes indicated above, is exempt from the registration requirements of the Act. It must, however, be labeled so as to meet the other requirements of the Act. A sentence has been added to § 162.5(b) (1) listing the applicable Sections of the Act. This interpretation is consistent with the Agency interpretation of the similar provision in the Act prior to amendment. (section 4(e) 1947 FIFRA)

(2) Section 162.5(b) (3) [§ 162.5(c)] *Pesticides Exempt from Registration; Pesticides Transferred for Purposes of Disposal*. Pesticides shipped solely for purposes of disposal pursuant to Section 19 of the Act, Part 165 of the regulations, or an applicable Administrative order are exempt from the registration requirements of the Act. This provision, like the provision for pesticides transferred between establishments operated by the same producer, only relieves the pesticide product of the registration requirements of the Act. It must still be labeled so as to satisfy other requirements of the Act. A sentence has been added to § 162.5(b) (3) listing the applicable Sections of the Act.

(3) Section 162.5(b) (6) *Pesticides Exempt from Registration; Other Exemptions*. A new subsection (6) has been included to set forth the regulatory authority of section 25(b) of the Act, *Exemption of Pesticides*.

Section 162.6 *Registration Procedures*. All applications for new registration, amended registration, supplemental registration, and reregistration must

comply with the requirements outlined at § 162.6.

(1) Section 162.6(a) *Applicant Requirements*. The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application. If the Agency determines that an application is not sufficiently complete or that modification is necessary before a final decision on approval or denial of the application for registration, the applicant is notified and allowed a reasonable time within which to resubmit the application with deficiencies corrected. A commenter, in reliance on section 3(c) (6) of the Act, argued that an applicant should be granted only 30 days to resubmit his application if a notice of an incomplete application, pursuant to § 162.6(a) (5) is issued. Section 3(c) (6) of the Act grants an applicant only 30 days to correct deficiencies in his application if the Administrator informs him of his intent to deny the application for registration. A notice of an incomplete application, pursuant to § 162.6(a) (5), however, is not to be considered a denial of registration pursuant to section 3(c) (6) of the Act. Therefore, the Agency may grant the applicant who has received notice of an incomplete application a "reasonable time" within which to complete his application. In the event the applicant desires to have his application treated as having been denied, he may petition the Administrator for issuance of a notice of denial pursuant to section 3(c) (6) of the Act and § 162.7(e) (1) of these regulations.

(2) Section 162.6(b) (2) [§ 162.6(b)], *Application for New Registration*. (a) At the present time, before an application for registration will be approved, the Agency must accept the final printed labeling. Several commenters objected to this policy in general. The Agency's response to these comments is found below at the explanation of § 162.10(a) (6). A new § 162.6(b) (2) (i) (A) has been added to clarify that this policy will continue in effect as regards applications for new registration.

(b) Section 162.6(b) (2) (i) (C) (2) which indicates the factors the Agency considers in determining whether an ingredient is active or inert, appeared in the proposed regulations at § 162.3(c) (2). It has been transferred to this Section for purposes of organization.

(c) Section 162.6(b) (2) (i) (C) (3) provides that if the functional purpose of an ingredient is not reasonably apparent to the Agency, the Agency may request the applicant to state the purpose of the ingredient in the formulation. If any ingredient has no functional purpose, the Agency may determine that either the ingredient must be deleted from the formulation or that the application will be denied. Several commenters argued that this provision is without statutory authority. The mandate of the Environmental Protection Agency is to regulate the introduction of pesticides into the environment and prevent any unreasonable adverse effect on man or the environment. The intentional introduction of



a contaminant into the environment, for which no functional benefit can be established, may be unreasonable and, unless the ingredient is deleted from the formulation, may be grounds for denial of the application for registration.

(d) Section 162.6(b)(2)(v), as proposed, has been deleted from these regulations because its substance is incorporated within § 162.6(b)(2)(i)(B). There were many comments concerning the data requirements of § 162.6(b)(2)(v), as proposed. These are discussed in the explanation of § 162.8(b)(3)(i), below.

(3) Section 162.6(b)(3) [§ 162.6(c)], *Application for Amended Registration*.

(a) Section 162.6(b)(3)(i)(c) provides for marketing of a single registered product under multiple brand names. It had appeared in the proposed regulations at § 162.6(c)(5) but has been included here for purposes of organization. A commenter asked that allowance be made for the deletion of specific claims from a product label if by so doing no other changes are made necessary. Such a provision exists for the supplemental registration for distributor products, § 162.6(b)(4). An applicant for an amended registration can apply for a supplemental registration of distributor products at the same time as he applies for amended registration.

(b) Several commenters objected to the provision at § 162.6(b)(3)(ii) that final printed labeling must be accepted by the Agency before the application for amended registration will be approved. The Agency's response to this comment is found below at the explanation of § 162.10(a)(6).

(4) Section 162.6(b)(4) [§ 162.6(d)], *Application for Supplemental Registration of Distributor Products*. Several commenters argued that the regulations concerning supplemental registration are too stringent. They misunderstand the purpose of supplemental registration. The Agency merely intends to allow the marketing of a pesticide product under a distributor brand name. The distributor is not empowered to formulate, package or otherwise manufacture the pesticide product. The requirements for supplemental registration are designed to insure that the pesticide product is not adulterated.

(5) Section 162.6(b)(5) [§ 162.6(e)], *Application for Reregistration*. (a) Several commenters argued that it is impossible to complete by October 21, 1976 some of the long term testing required by these regulations for the reregistration of certain pesticide products. The Agency has always intended, in accordance with section 3(c)(2) of the Act, to permit sufficient time for applicants to obtain the additional information required by these regulations for the reregistration of certain pesticide products. Additional language has been added to § 162.6(b)(5)(ii) to clarify our procedures. This language provides that when these regulations require data for reregistration which cannot reasonably be anticipated to be compiled within the pe-

riod of reregistration, the Administrator may classify and reregister a pesticide product for a reasonable period of time pending completion of the required testing, provided he determines that, based upon available data, the pesticide product otherwise satisfies the requirements of these regulations and the Act, and does not meet or exceed the criteria for risk set forth in § 162.11(a)(3). Such reregistration will be for a fixed term of less than five years, reasonable to allow development, submission and review of required data and will be nonrenewable. Where a pesticide product does not otherwise satisfy the requirements of the regulations, or where there is serious doubt as to the advisability of classifying and reregistering the pesticide product pending completion of the required testing, such action will not be taken. If at any time, sufficient evidence regarding unreasonable adverse effects from use of the pesticide comes to the attention of the Agency, proceedings to either change the classification of the product or cancel or suspend its use, as appropriate, will be initiated.

(b) Several commenters objected to the provision of the proposed regulations that final printed labeling must be accepted before the application for reregistration will be approved. The Agency's response to these comments is found below at the explanation of § 162.10(a)(6).

(c) Section 162.6(e)(3)(viii), as proposed required an applicant to submit any factual information, which had been obtained by him or come to his attention regarding adverse effects on man or the environment resulting from use of the pesticide. For purposes of organization this Section has been incorporated into § 162.8(a). A complete discussion of the comments received is found below at the explanation of that section.

(d) Prior to the effective date of these regulations, detailed procedures to be followed by applicants for reregistration of pesticide products shall be published in the FEDERAL REGISTER. This notice will address solicitation off applications for reregistration by the Administrator, the contents of the applications, and the Agency's intended policy regarding applications for amended registration and reregistration of distributor products. Registrants are asked to await these detailed procedures before contacting the Agency regarding reregistration of a product.

(6) Section 162.6(c) *Five Year Cancellation*. A new section has been added to the regulations to include procedures for the five year cancellation of pesticide products as required by section 6(a)(1) of the Act. Registration of a product for which notice of 5 year cancellation has issued will be continued in effect only upon the determination of the Administrator that the registration complies with all the requirements of the Act and the regulations which are promulgated thereunder and which are current at the time of renewal.

Section 162.7 *Disposition of Applications*. All applications for new registration, amended registration, supplemental

registration, and reregistration will be processed as outlined at § 162.7.

(1) Section 162.7(b) *Notice of Receipt of Application for Registration*. A new § 162.7(b) has been included to clarify that the Agency will acknowledge receipt of all applications and return to the applicant a notification of the date of receipt of the application by the Agency. Section 162.6(b)(3), as proposed, had indicated that such procedures would be followed in the case of receipt of an application for new registration.

(2) Section 162.7(c) [§ 162.7(b)], *Time for Acting with Respect to Application*. A commenter asked that the phrase, "as expeditiously as possible," be deleted from this section and that another phrase be added to indicate that the applicant will be notified if review will take longer than 90 days. "As expeditiously as possible" is the language of the statute, section 3(c)(3). The Agency, in fact, intends to notify the applicant of the expected length of time necessary to process the application.

(3) Section 162.7(d)(1) [§ 162.7(c)(1)], *Approval of Registration. Criteria for Approval*. (a) Section 162.7(d)(1)(v) has been rewritten to more closely track the Food, Drug, and Cosmetic Act requirement for a tolerance or an exemption from a tolerance.

(b) For purposes of better organization, a new § 162.7(d)(1)(vi) has been added to incorporate the requirement of § 162.4(c) as proposed, which made registration of a product intended for use as a drug as well as a pesticide dependent on approval of the substance by the Food and Drug Administration. Several commenters argued that § 162.4(c), as proposed, should be deleted; and, because the Food and Drug Administration adequately regulates these products, pursuant to section 25(b)(1) of the Act, they should be exempt from the provisions of FIFRA, as amended. These commenters have failed to recognize the Congressional mandate to each Agency and the working relationship established between them. The language of § 162.7(d)(1)(vi) and § 162.4(c), as proposed, reflects the current Interagency Agreement between the Environmental Protection Agency and the Food and Drug Administration, 36 FR 24235 (December 22, 1971).

(4) Section 162.7(e) [§ 162.7(d)], *Denial of Registration*. This section, as proposed, granted an applicant the opportunity to petition the Administrator to withdraw his application. Implicit in the concept of a petition is the discretion of the Administrator to deny such a petition. Language has been added to § 162.7(e)(2)(ii) to explicitly state that the Administrator may in his discretion deny any petition for withdrawal and proceed to issue a notice of denial.

Section 162.8 *Data in Support of Registration & Classification*. (1) *Economic Impact*. Many commenters argued that the data requirements of these regulations will cause an unnecessary, adverse, and inflationary impact on the pesticide industry and agricultural sector of the economy.



On November 27, 1974 the President issued Executive Order 11821 (30 FR 41501) which requires each agency to certify that the inflationary impact of any major regulation has been evaluated. Accordingly, although the Agency believes that this regulation does not constitute "major action" within the meaning of the Executive Order, the following discussion summarizes EPA's consideration of the inflationary impact of these regulations and serves as the Agency's certification that such impact has been evaluated. The discussion focuses on the inflationary impact of the data requirements necessary to comply with these regulations because the Agency has determined that such costs are the most significant potential costs which may be caused by the implementation of these standards for registration pursuant to the amended FIFRA.

The data requirements for registration of a pesticide have been increasing slowly and steadily over the past 25 years. These regulations, and the referenced Registration Guidelines, for the most part catalogue the specific requirements which have been in effect for the past several years. The regulations reduce uncertainty by fully informing the applicant of the data necessary to support an application for registration. EPA believes this will increase the efficiency of pesticide research and development and result in a shorter average duration of time between submittal of an application for registration and a decision regarding the application by the Agency.

The data requirements for reregistration will not pose a significant economic burden on many pesticide registrants. The data requirements have been tailored to address the particular concerns regarding pesticides already registered by the Agency in light of data previously submitted to the Agency in support of the initial registration and the pesticide's use history. The data requirements for reregistration can generally be satisfied with tests on the active ingredient. This fact greatly reduces the burden on many pesticide registrants because an evaluation of one active ingredient will satisfy the requirements of many formulated pesticide products. In addition, if the data have previously been submitted to the Agency, as for example in support of a tolerance, and they meet the intent and reliability standards of the Registration Guidelines, no new submission will be required. Moreover, § 162.6(b)(5)(ii) provides that if data are required which cannot reasonably be anticipated to be compiled within the period for reregistration, the Administrator may, in his discretion, classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, provided he determines that the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3) and that the pesticide product otherwise satisfies the requirements of these regulations and the Act.

The data requirements for new registration were arrived at by considering

the data requirements currently in effect and evaluating additional risks which these data requirements had not considered. The cost of the incremental data represented by these regulations is minimal compared to the total pesticide development cost. The increased safety represented by the expanded data base more than offsets the cost of the required tests. It is expected that the emphasis of these regulations on human and environmental health will induce a reorientation in the priorities of many companies. By closely scrutinizing environmental and health effects earlier in the development of a pesticide, more pesticides will achieve full registration within a lesser amount of time. Such increased efficiency should reduce the risks of the pesticide industry and their costs due to failure of a pesticide to secure full registration.

In enacting the 1972 FIFRA, Congress recognized that thorough data requirements are necessary to support an application for registration and further recognized that the cost of securing these data is an added burden to the pesticide industry. It incorporated section 3(c)(1)(D) into the Act to compensate the party who produces the data and, in effect, extended the proprietary rights of the producer beyond the term allowed by present patent law. The existence of this provision reduces the individual economic impact of these data requirements and clearly indicates that Congress intended the economic burden of data requirements to be shared by groups of registrants whose registrations are supported by such data rather than be the cause of an inadequate data evaluation.

(2) Section 162.8(a) *General*. (a) Several commenters suggested that § 162.8 be deleted from the regulations and placed in the Registration Guidelines. The purpose of the Registration Guidelines is to specify the kinds of information which will be required to support the registration of a pesticide. Section 162.8 of these regulations does not preempt the Guidelines. It is included in these regulations to delineate the major data requirements of the Registration Guidelines and direct the potential applicant or other interested party to the Guidelines. Many of the data requirements set forth in Section 162.8 are conditional and will only be required for those products which meet the indicated conditions. The applicant is referred to the Registration Guidelines to determine the detailed data which are required to support a specific application for registration. The Guidelines also specify acceptable test methods and protocols to be followed in accumulating the data.

(b) Several commenters argued that the data requirements of these regulations and the Registration Guidelines, even taking into account the conditional nature of many of the data requirements, are inapplicable to certain pesticides or pesticide products and are not necessary for a determination of whether such pesticide product will generally cause unreasonable adverse effects on man or the

environment. The Agency has attempted to consider all pesticides in developing the data requirements. The Agency recognizes, however, that these regulations and the Registration Guidelines may not have taken into account all relevant factors for all pesticides. Accordingly, the proposed regulations at § 162.8(b)(1)(i) had provided for a waiver of data requirements upon petition of the applicant. That provision has been modified and a new § 162.8(a)(3) has been included to specify the detailed procedures and basic standard to be applied by EPA for waiver of a data requirement specified in these regulations or the Registration Guidelines. Waiver of a data requirement is permissible only if the Administrator determines (1) that the composition, degradability, proposed patterns of use or other chemical or physical properties of the pesticide, relating to an evaluation of the effects on man or the environment, are fundamentally different from the properties considered by the Agency in establishing the data requirements of these regulations or the Registration Guidelines, and therefore (2) that the data are not necessary in order for him to determine whether such specific pesticide or product will generally cause unreasonable adverse effects on man or the environment. Generally, an applicant must initiate the process and submit a written statement setting forth his reasons for requesting a waiver from a data requirement. In the case of reregistration, however, the Administrator may initiate the waiver of a data requirement by so indicating in his solicitation of applications for reregistration. The Administrator will make a written finding with respect to waiver of a data requirement. In the case of the approval of any application for which notice of application was published in the FEDERAL REGISTER pursuant to § 162.6(b)(6), if the Administrator determines to waive a data requirement, the notice of approval issued pursuant to § 162.7(d)(2) shall list any data requirement which has been waived and briefly state the basis for such waiver. In the case of waiver of a data requirement initiated by the Administrator in the solicitation of applications for reregistration, the notice of solicitation shall list any data that have been waived and briefly state the basis for such waiver. Notice to the public of the waiver of a data requirement satisfies EPA's responsibility under the Act, these regulations, and the general principles of Administrative Law to set forth the rationale for any departure from its regulations.

(c) A commenter requested that EPA require the applicant for both new registration and reregistration to submit all relevant information available from scientific literature and other sources on the potential adverse effects of a pesticide. In the proposed regulations at § 162.6(e)(3)(viii), this provision by its terms applied only to reregistration, although the Agency intended that the requirement apply to all registrations. Moreover, we believe that this provision more properly belongs in § 162.8. Accordingly, § 162.6(e)



(3) (viii), as proposed, has been deleted and a new § 162.8(a) (4) has been included to specifically impose upon the applicant the responsibility to submit any factual information which has been obtained by him or come to his attention regarding the adverse effects of his pesticide on man or the environment. Such information may include, but is not limited to, published or unpublished laboratory studies and accident experience.

Several commenters objected to the policy of this section. They argued that the applicant should only be responsible for submitting his own data and not data found in the general literature. Section 6(a) (2) of the Act and § 162.8(d) of these regulations imposes on the registrant the affirmative duty to report any additional factual information regarding adverse effects on man or the environment of the pesticide. EPA interprets report of scientific findings contained in the general literature as within that duty. This same affirmative duty is imposed upon the applicant for registration as well. The burden for establishing the safety of a product is on the applicant at all times. He must convince the Administrator, in part, that the pesticide will perform its intended function and that it will be used without unreasonable adverse effects on the environment before the initial decision may be made to register the product. This duty falls on the applicant and registrant because they are in the better position to monitor the literature as regards a particular pesticide.

Many commenters expressed support for the Section as proposed, and asked that penalties, as for example immediate cancellation or seizure, be established for the withholding of information. The civil and criminal penalties arising pursuant to sections 12(a) (2) (N) and 14 of the Act are the statutory remedies for achieving compliance with these regulations.

(d) Both § 162.8(b) (1) (ii) and (iii), as proposed, have been deleted from these final regulations in order to avoid redundancy. The substance of § 162.8(b) (1) (ii) is repeated at § 162.8(d). The substance of § 162.8(b) (1) (iii) is repeated at § 162.8(b) (4).

(3) Section 162.8(b) (2) *Data Requirements for New Registration. Efficacy.* (a) A commenter suggested that § 162.8(b) (2) (i) be amended to require only data necessary to support the label claims for effective dosage and dosage range. This suggestion must be rejected because without data to support the minimum effective dosage and effective dosage range, the Agency can not be sure that the correct dosage and dosage range have been assigned for the pesticide product use(s).

(b) In response to comment, a new § 162.8(b) (2) (iv) has been included to delineate the Registration Guidelines requirement for data, when appropriate, to support the measurement of toxic effects to plants or animals that are host to the pests. This information, when relevant, has customarily been required of applicants for registration.

(c) Section 162.8(b) (2) (iv), as proposed, required an evaluation of the chemical and physical compatibilities of components of formulated pesticides. It has been deleted from these regulations because it was not a general requirement applicable to the majority of applications for registration. The Registration Guidelines contain this data requirement and indicate, with specificity, the conditions under which such an evaluation is required.

(4) Section 162.8(b) (3) (i) *Data requirements for New Registration. General Chemistry.* (a) Some commenters argued that the general chemistry data required by § 162.8(b) (3) (i) would not be available to formulators of a pesticide product. A formulator may rely on the data submitted by the basic manufacturer of the pesticide provided he complies with the procedures established pursuant to section 3(c) (1) (D) of the Act.

(b) Sections 162.8(b) (3) (i) (A) (1) and 162.8(b) (3) (i) (B) (1) require the applicant to submit data relative to the complete general chemistry of the pesticide and the pesticide formulation, including the complete composition of the technical chemical, and the chemical names and percentages of all impurities. A commenter argued that these Sections are too stringent and that the applicant should only be required to submit information relative to the composition of the technical chemical, including the percentages of all impurities and the chemical name of known impurities. The Agency recognizes that the best scientific methodology may leave a percentage of impurity unidentified. As determined by the Administrator, on a case by case basis, an application for registration may be approved where a very small percentage of impurity is unidentified, if the Administrator determines that the best available methodology has been utilized to evaluate the pesticide and the pesticide formulation, and that use of the pesticide will not generally cause unreasonable adverse effects on man or the environment.

(c) Several commenters argued that EPA has no authority to require data relative to the basic manufacturing process of the technical chemical, § 162.8(b) (3) (i) (A) (2), or of the pesticide formulation, § 162.8(b) (3) (i) (B) (2). They argued that these provisions are an attempt by the Agency to regulate quality control. Section 3(c) (5) of the Act provides that the Administrator shall register a pesticide if he determines, in part, that its composition is such as to warrant the proposed claims for it and if he is satisfied that it will perform its intended function without unreasonable adverse effects on man or the environment. The Agency is required by statute to determine the exact composition of the pesticide and pesticide formulation. Contaminants which will cause unreasonable adverse effects on the environment may unintentionally be introduced into the pesticide or the pesticide formulation by a modification of the manufacturing process. The data specified at § 162.8(b)

(3) (i) (A) (2) and § 162.8(b) (3) (i) (B) (2) have been required by EPA prior to the promulgation of these regulations, pursuant to the authority of the 1947 FIFRA. Nothing in the legislative history or language of the amended Act indicates a modification of that regulatory authority. Such data, moreover, are required before issuance of an experimental use permit, pursuant to section 5 of the Act, for use of an unregistered pesticide product. 40 CFR 172.4(b) (3) (ii), 40 FR 18780, 18784 (April 30, 1975).

(d) Section 162.8(b) (3) (i) (A) (3) requires data on the purity of starting and intermediate materials used in the manufacturing process. Several commenters suggested test methodology for securing these data. These comments have been considered in developing the Registration Guidelines.

(5) Section 162.8(b) (3) (ii) *Data Requirements for New Registration. Environmental Chemistry.* In response to comment, this Section has been substantially rewritten to clarify the conditions under which specific data relative to the environmental chemistry of the pesticide will be required. Data on field stability, persistence, degradation, accumulation, and mobility are generally required only if the pesticide is intended for outdoor application. Information to support the "safe disposal" of the pesticide formulation and pesticide container, as defined at 40 CFR 165.1(s), is generally required of all pesticide products. The applicant is referred to the Registration Guidelines for the detailed conditions for the data requirements and for acceptable test methodology and protocols.

(6) Section 162.8(b) (4) *Data Requirements for New Registration. Product Hazard.* (a) In response to comment, § 162.8(b) (4) has been substantially rewritten to clarify the conditions under which specific data relative to product hazard will be required and to refer the applicant to the Registration Guidelines for the detailed conditions for such testing. The Guidelines specify, in addition, whether the data are to be derived from tests on the active ingredient(s), the pesticide formulation, or the major metabolite(s) degradation and/or reaction product(s).

As is discussed below, no mutagenic requirement normally exists for reregistration. For purposes of new registration, the applicant is referred to the Guidelines and Appendices thereto for the conditions under which such testing will be required and for the protocols to be followed. The Guidelines have just been published as proposed and the Agency especially welcomes comment concerning this data requirement.

(b) In response to comment, § 162.8(b) (4) (i) (C) has been amended to require, instead of merely diagnostic and antidotal information, diagnostic, first aid, palliative, and/or antidotal information. Commenters correctly pointed out that the language of the proposed regulations was too restrictive since there is no known effective antidote for the majority of pesticide products, following sufficient exposure.



(7) Section 162.8(c) *Data Requirements for Reregistration*. (a) Several commenters argued that the data requirements for reregistration are too lenient and that they should be identical to the data requirements for new registration. Other commenters argued that the data requirements for reregistration are too burdensome. The data requirements for reregistration have been tailored to address the particular concerns regarding pesticides already registered by the Agency.

We have indicated those use patterns, chemical structures and exposure levels for which a determination on any potential risks to the health and safety of man or the environment is required prior to registration. In light of the use history and prior registration of these pesticides, we have determined that evaluation of the data indicated at § 162.8(c) is necessary and sufficient for the determination of whether or not reregistration of the pesticide product will cause an unreasonable adverse effect on man or the environment. EPA realizes that full compliance with the data requirements imposed on new registrations would be desirable for reregistration as well. By October, 1976, however, EPA must reregister in excess of 30,000 pesticide products. It would be administratively impossible to require all of these products to satisfy the data requirements for new registration. Five year renewals of registration, however, will be processed on a staggered basis; it is at this junction that the then current data requirements for new registration will apply to all products previously registered by the Agency.

Registrants of pesticide products that come within the criteria specified at § 162.8(c), will be required to submit such additional data prior to reregistration unless (1) such data have previously been submitted to the Agency and the data meet the intent and reliability standards specified in these regulations and the Registration Guidelines, or (2) the Administrator determines, pursuant to section 3(c)(2) of the Act and § 162.6(b)(5)(ii) of these regulations, that the data cannot reasonably be compiled within the time for reregistration, that the pesticide otherwise satisfies the requirements of the Act and these regulations, and that the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3). In this latter case, the Administrator may classify and reregister the pesticide for a reasonable period of time pending completion of the required testing. The reader is referred to the discussion of § 162.6(b)(5)(ii), above.

(b) Section 162.8(c)(3)(i) has been modified in response to comment to alter the conditions under which a teratogenic evaluation of a pesticide will be required for reregistration. The proposed regulation has required the testing "if the pesticide use results in significant exposure to women in residences enclosed working spaces or their immediate vicinity." The Agency has determined that this data requirement was too restrictive. The

place of exposure to a potentially hazardous pesticide is not as important as the fact of exposure. Accordingly, a teratogenic evaluation of the active ingredient in a mammalian test system is required as a condition of registration "if the pesticide may reasonably be expected to result in exposure to female humans."

(c) Sections 162.8(c)(ii), (iii) and (iv) specify, respectively, that oncogenic, chronic feeding, and reproductive studies of the active ingredient(s) will be required for pesticides which need a tolerance or an exemption from the requirements to obtain a tolerance. Several commenters urged the Agency to reconsider these sections, noting that this requirement represents a change from the existing policy of requiring only subacute feeding studies in support of petitions for tolerances for negligible residues. Section 40 CFR 180.1(1) defines the term "negligible residue" to mean "any amount of a pesticide chemical remaining in or on a raw agricultural commodity or group of raw agricultural commodities that would result in a daily intake regarded as *toxicologically insignificant* on the basis of scientific judgment of adequate safety data. Ordinarily this will add to the diet an amount which will be less than 1/2000th of the amount that has been demonstrated to have no effect from feeding studies on the most sensitive animal species tested. Such toxicity studies shall usually include *at least* 90-day feeding studies in two species of mammals." (Emphasis added) In the past, the Agency has frequently considered 90-day feeding studies to be sufficient to support the petition for the establishment of a tolerance for negligible residues. However, the Agency has determined that the results of such 90-day studies cannot always establish that a residue is toxicologically insignificant. A 90-day time period will generally be inadequate to confidently predict the effects from life time exposure. Human exposure to some chemicals such as carcinogens can have significant chronic effects even at very low levels. Moreover, as explained in the recent decision of the Administrator suspending the registrations of pesticides containing Aldrin and Dieldrin and in the United States Court of Appeals for the District of Columbia Circuit opinion affirming that decision, although no effect may theoretically exist, in cancer testing it is often impossible to determine such a safe level. Furthermore, the Agency is aware of no data to justify waiving of the requirement for chronic feeding and reproductive studies for those pesticides which leave residues in food at very low levels. An explanation of the waiver of data requirement provision appears at the Preamble discussion of § 162.8(a)(3), above.

(d) Section 162.8(c)(3)(iii), as proposed, has been deleted from these final regulations. The Agency is currently re-evaluating existing requirements for mutagenicity testing and protocols as part of the development of the Guidelines. Until this review is completed, ad-

ditional mutagenic testing will not be required for purposes of reregistration, except where the Agency determines that, for an individual pesticide or pesticide product, mutagenic evaluation should be completed as part of the reregistration determination pursuant to § 162.8(d).

(8) Section 162.8(d) *Additional Data*. This section has been rewritten to emphasize and clarify for the registrant his duty to submit any additional data requested by the Administrator. In addition, a new paragraph has been included to state in the regulations the registrant's duty pursuant to section 6(a)(2) of the Act, to immediately submit to the Agency any factual information regarding adverse effects on man or the environment of the pesticide. Such information includes published or unpublished laboratory studies, whether or not contained in the general literature, and accident experience. These requirements recognize that the registrant is in the best position to monitor such sources with respect to a particular pesticide, and that additional data may be required where it is appropriate in order to evaluate efficacy or hazard. Moreover, the Agency will also take into account evidence submitted by other parties.

Section 162.10 *Labeling Requirements*. Section 162.10 implements the new labeling requirements of FIFRA, as amended, and attempts to improve the communicative value of labels and labeling in general. Section 12(a)(2)(G) of the Act makes it unlawful for a person to use any registered pesticide in a manner inconsistent with its labeling. Several commenters suggested that the phrase "use inconsistent with the labeling" be defined in these regulations. Such a task would be impractical because the phrase has a different meaning in each of several regulatory contents. In order to respond to specific questions as they arise and keep the public informed of Agency policy in this regard, EPA has instituted a series of Pesticide Enforcement Policy Statements to provide public notice of instances in which deviations from the precise language of a product label will not subject the user to enforcement liability. See 40 FR 19526 (May 5, 1975).

Many changes in labeling requirements were recommended by participants in the First National Symposium on Pesticide Labeling, June 3-4, 1974. Most of these suggestions have been incorporated into these regulations, as for example the format changes and grouping of use and warning and precautionary statements. Adoption of some of the recommendations will be deferred until after completion of the reregistration effort because of the complexity of the provisions and the far reaching effects which are to be anticipated. Included within this class are suggestions that nontechnical homeowner pesticide labels be accepted and that master labels for use directions on an active ingredient basis be adopted. Officials of the EPA will be conducting Regional Label Symposia to secure public participation in the devel-



opment of forthcoming standards for pesticide labels.

(1) Section 162.10(a)(2) *Prominence and Legibility*. Section 162.10(a)(2)(ii)(A) provides that all required label texts must be set in 6-point or larger type. Several commenters argued that this requirement is overly burdensome and that it does not provide latitude for small products. The type size requirement is mandatory because it improves the communicative value of the label text. A manufacturer of a small pesticide product, in accordance with § 162.10(a)(4)(i), is encouraged to securely attach labeling to the immediate container of a pesticide product. Such labeling must reasonably be expected to remain affixed to the immediate container during the foreseeable conditions and period of use.

(2) Section 162.10(a)(3) *Language to be Used*. All label or labeling text must appear in the English language. The proposed regulations had provided, in addition, that when text in another language is considered necessary, the complete label text must appear in both languages. Several commenters argued that space limitations do not always permit complete dual language labeling. This requirement has been deleted from these final regulations. The Agency may determine that for a particular pesticide additional text in another language is required to protect the public. In that case, depending on the nature of the hazard of the pesticide, the complete label text may be required in both languages, or the phrase "If you cannot read English do not use this product until properly instructed." In the language of the anticipated user of the pesticide may be accepted.

(3) Section 162.10(a)(4) *Placement of Label*. (a) Several questions arose concerning § 162.10(a)(4)(i), as proposed. These regulations are intended to continue EPA's present practice of requiring a full user-label on the outside wrapper or container of a retail package, if the immediate container of the pesticide is enclosed within a wrapper or outside container through which the label of the immediate container cannot be clearly read. The language of this section has been rewritten to clarify the Agency's intended practice.

(b) Several commenters argued that the requirements at § 162.10(a)(4)(ii) for labeling of tank cars and other bulk containers, as proposed, were inconsistent with the requirements imposed by the Department of Transportation on these same containers. The Environmental Protection Agency is concerned with securing uniformity of regulation. Accordingly, this section has been rewritten so that the EPA regulations concerning transportation of pesticides are consistent with the regulations of the Department of Transportation concerning transportation of hazardous materials. A separate subsection has been included to specify the labeling required for pesticides stored in bulk containers.

(4) Section 162.10(a)(5) *False or Misleading Statements*. (a) Section 162.10(a)(5) provides that a pesticide

is misbranded if its labeling is false or misleading in any particular, including both pesticidal and non-pesticidal claims. The specific reference to non-pesticidal claims had appeared in the proposed regulations at § 162.4(b)(5). Commenters argued that the Agency lacks statutory authority over the non-pesticidal claims of a pesticide product. Our response to this comment is found above in the discussion of § 162.4(b).

(b) Section 162.10(a)(5)(v) provides that any statement which directly or indirectly implies that the pesticide or device is recommended or endorsed by any Agency of the Federal government is misbranding within the meaning of § 2(q)(1)(A) of the Act. A commenter correctly pointed out that under certain conditions of sale pesticides are required to meet government specifications. A registrant may, in these circumstances, indicate that his product conforms to an Agency specification. He may not, however, imply that his product is recommended or endorsed by the Agency.

(c) Several commenters objected to the language of § 162.10(a)(5)(vi). They argued that a *per se* rulemaking a trademark which suggests one or more, but not all, principal active ingredients in a pesticide a false or misleading statement is not in accordance with accepted principles of trademark law. In determining whether or not to register a trademark, the Patent Office makes no determination of its legality under the FIFRA, as amended. Therefore, registration of a trademark cannot be accepted as evidence that a name is legal under the Act. If a name is false or misleading, it is a violation of FIFRA, as amended, whether or not it has been registered as a trademark.

(d) Several commenters were confused by § 162.10(a)(5)(x), as proposed. It has been rewritten to give examples of non-numerical and/or comparative statements on the safety of a pesticide product which the Agency considers to be false and misleading, within the meaning of section 2(q)(1)(A) of the Act.

(5) Section 162.10(a)(6) *Final Printed Labeling*. At the present time, before a new registration will be approved, the Agency requires acceptance of final printed labeling. These regulations continue this policy with regard to approval of applications for new registration, § 162.6(b)(2), and extend the policy to cover approval of applications for amended registration, § 162.6(b)(3), and approval of applications for registration, § 162.6(b)(5). Commenters generally objected to this policy. They argued that the practice is burdensome and laden with delay. Some commenters made a distinction between applications for new registration and applications for amended or reregistration, arguing that though acceptance of final printed labeling is appropriate before approval of an application for new registration, it is not necessary before approval of an application for amended or reregistration. The Agency can make no such distinction in the case of label review since section

3(c)(5)(B) of the Act specifically requires the Administrator to determine that labeling is in compliance with the Act before registration of a product. Review of the final printed labeling is, therefore, necessary before any application for registration is approved. EPA will review the final printed labeling as quickly as possible. If it is identical to the conditionally accepted labeling, no appreciable delay in approval of the application should occur.

(6) Section 162.10(g)(3) *Names to be Used in Ingredient Statement*. A commenter objected to the language of § 162.10(g)(3), as proposed, arguing that common names are assigned to active ingredients by special national and international organizations such as the American Standards Association and the International Standards Organization, and that the Agency should merely accept these names. Section 25(c)(6) of the Act authorizes the Administrator, after notice and opportunity for hearing, to determine and establish suitable names to be used in the ingredient statement. Accordingly, the Agency will compile and promulgate by regulation a list of acceptable common names. Interested parties will be afforded opportunity to comment before adoption of these names, and consideration will be given to those names assigned by the special national and international organizations.

(7) Section 162.10(g)(4) *Statement of Percentages*. A commenter suggested that if the use(s) of the pesticide is expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation should be required in the ingredient statement because unless the precise total weight per unit of volume is known, it is impossible to determine the amount of product to use. The Agency agrees that this information is necessary in such instances, and has included such a provision in § 162.10(g)(4).

(8) Section 162.10(g)(6) *Deterioration*. (a) Section 162.10(g)(6)(i), as proposed, required the statement "This product is subject to deterioration. Not for sale or use after [date]" on any pesticide product subject to significant deterioration. Many commenters objected to the required label statement—"This product is subject to deterioration." They argued that it has unnecessary negative connotations since all products are subject to some deterioration, and that such a statement is not required of products, such as film and drugs, which also may deteriorate over time. They also maintained that the phrase "Not for sale or use after [date]" will adequately protect the public. The Agency agrees that a statement of expiration time will adequately protect the public and accordingly these regulations have deleted the requirement for the label statement "This product is subject to deterioration."

(b) Section 162.10(g)(6)(ii) provides that the pesticide product must meet all label claims up to the expiration time in-



licated on the label. Several commenters argued that the responsibility should fall on the consignee of the pesticide product to remove the product from the channels of trade after the date of expiration has passed. A registrant may establish by contract or custom a mutually beneficial working relationship with his consignee. The legal responsibility for sale of the pesticide product remains, however, with both the manufacturer and the distributor unless there is a guarantee pursuant to section 12(b)(1) of the Act and § 162.12 of these regulations.

(9) Section 162.10(g)(7) *Inert Ingredients*. (a) Several commenters argued that the Administrator has no statutory authority to require that the name of an inert ingredient appear on labeling even when the Administrator determines that an ingredient may pose a hazard to man or the environment and that the user should be given notice of the hazard. Such a position contradicts the Administrator's basic obligation under the amended FIFRA of determining the risks which may be posed by a pesticide and imposing the necessary regulatory requirement to adequately control an unreasonable risk. Depending on the risk involved, the Administrator is authorized by the amended FIFRA to: (1) deny registration or cancel an existing registration, (2) classify the pesticide for restricted use, or (3) require specific label statements. Accordingly, the regulations provide that the Administrator may require the listing of inert ingredients on labeling where the ingredients may pose a hazard. This requirement does not affect the Administrator's authority to require testing of inerts or to take other regulatory action if the label statement does not protect against the hazard.

(b) Other commenters suggested that all inert ingredients be listed in the ingredient statement or, in the alternative, that those inert ingredients known to be hazardous be listed in the ingredient statement and an open file of all the inert ingredients of each pesticide product be maintained for public inspection. FIFRA, as amended, does not require the name of all inert ingredients to be contained in the label ingredient statement and therefore, barring a determination of hazard to man or the environment, the name of the inert ingredient(s) of a pesticide formulation will not be required in the label ingredient statement. In the event of an accident, it often is imperative for the attending physician to identify the ingredients of the pesticide formulation so that appropriate medical treatment can be provided. EPA is considering institution of a toll free telephone service to provide such information in the case of a medical emergency.

(10) Section 162.10(h) *Warnings and Precautionary Statements*. (a) The comments indicated much confusion regarding placement on the label of the warnings and precautionary statements required by this section. There are two general categories of warnings and precautionary statements—those required to appear on the front panel and those

which may appear elsewhere. The human hazard signal word, § 162.10(h)(i), child hazard warning, § 162.10(h)(1)(ii), and in certain instances statements of practical treatment, § 162.10(h)(1)(iii), must all appear on the front panel. Statements regarding hazard to humans and domestic animals, § 162.10(h)(2)(i), environmental hazard, § 162.10(h)(2)(ii), and physical or chemical hazards, § 162.10(h)(2)(iii), are required to appear under an appropriate subheading elsewhere on the label.

(b) Many commenters suggested changes in several indicators for determining the toxicity category of a pesticide as set forth in the table at § 162.10(h)(1).

(i) *Inhalation LC<sub>50</sub>*. The proposed regulations provided that the inhalation LC<sub>50</sub> of a pesticide could be expressed, depending on the formulation of the product, in terms of milligrams per liter for dust or mist or parts per million of medium for gas or vapors. A commenter argued that use of these two scales is confusing, and that the Agency could easily convert from one scale to the other. To clarify this Section, the scale of toxicity on the basis of parts per million of medium has been deleted.

(ii) The numerical criteria for assigning a toxicity category on the basis of an inhalation LC<sub>50</sub> have been relaxed in these final regulations by a factor of ten. On the basis of a review of the use history and available scientific literature, EPA has determined that the proposed regulations were overly stringent and that the public and the environment will be protected under the regulations as now published. Individuals exposed to pesticides meeting the proposed criteria would very likely have experienced dermally toxic effects more significant than the inhalation effects.

(2) *Eye effects*—Several commenters correctly pointed out that pursuant to the regulations as proposed substances which are corrosive to the eye were not explicitly placed into Toxicity Category I. This was an error. The Agency intended to continue its current practices regarding assignment of a toxicity category on the basis of eye effect. Language to this effect has accordingly been included. Other commenters proposed schemes which used conjunctivitis and iritis as indicators of toxicity for eye effects. The Agency interprets these conditions as within the generic term "irritation," which is used in these regulations.

(3) *Skin effects*—As with the toxicity categories for eye effects, the proposed regulations regarding skin effects did not clearly indicate that substances corrosive to the skin fall into Toxicity Category I. Language to that effect has been included in these final regulations. In addition, the toxicity category into which a pesticide will fall on the basis of skin effects has been relaxed because the Agency has determined that the more stringent criteria contained in the proposed regulations are not necessary to protect against anticipated adverse skin effects from pesticide use.

(c) Several commenters asked that the provision at § 162.10(h)(1)(i)(D), requiring the human hazard signal word "Caution" on all Toxicity Category IV pesticides, be deleted. They correctly pointed out that § 162.10(h)(2)(i)(B) provides that no precautionary statements are required for Category IV pesticides. There is no contradiction between these two sections. A precautionary statement is not a human hazard signal word. It is the current Agency practice to require the human hazard signal word "Caution" on all Category IV pesticides. The nature of pesticides, in general, is such that all must be handled with caution.

(d) Commenters argued that the precautionary statements outlined in § 162.10(h)(2)(i), (ii), and (iii) are confusing and incomplete. These Sections are intended merely to be illustrative of precautionary statements which may be accepted. The statements should be modified to reflect the specific hazards of a particular pesticide product.

(11) Section 162.10(i) *Directions for Use*. Section 162.10(i)(2)(x) has been amended to specify with greater clarity statements which may be required in the Directions for Use of products classified for restricted use. Section 162.10(i)(2)(x)(D) provides that the category or categories of a certified applicator to whom use is restricted must be included in the Directions for Use unless the Agency determines that the product may be used by any certified applicator. Section 162.10(i)(2)(x)(E) provides that a statement that the pesticide may be applied under the direct supervision of a certified applicator who is not physically present at the site of application but nonetheless available to the person applying the pesticide, will be required in the Directions for Use, unless the Agency determines that the pesticide may only be applied under the direct supervision of a certified applicator who is physically present.

(12) Section 162.10(j) *Statement of Use Classification*. Section 162.10(j) requires that by October 22, 1976 all pesticide products must bear the appropriate statements of use classification as described in paragraphs (1) and (2) of that section, General Use Classification and Restricted Use Classification, respectively.

(a) Section 162.10(j)(2) provides that, if use of a pesticide is restricted to a certified applicator, the following statement is required on the product label: "For retail sale to and application only by Certified Applicators or persons under their direct supervision." Many commenters argued that this provision is without statutory authority. The legislative history of amended FIFRA clearly indicates that Congress contemplated that certain pesticides should be removed from the general public domain, for use only by certified applicators. In the presentation of the bill on the Senate floor it was explained: "In order to provide for a more finely tuned control of pesticide use, the bill provides further for the division of pesticides into general use



pesticides and restricted use pesticides \* \* \* \* The sale of restricted use pesticides could be limited to certified applicators who had proven their ability to use them properly and who face loss of certification if they use them contrary to regulation." 118 CONG. REC. S15894 (September 26, 1972). Moreover, the Agency has determined that many accidents occur because of improper transportation and storage practices. The restriction on sale of these restricted use pesticides is designed to minimize the risks from their use. A certified applicator will have established his competence in proper handling, transportation and storage techniques.

Many of the objections raised to this Section were the result of misunderstandings. The Agency does not intend to preclude an individual who is properly certified from following the common practice of having a third party, who is properly instructed as to the correct manner of storing, handling and transporting the pesticide and who is properly supervised by the certified applicator, purchase the restricted use pesticide on his behalf. Such activity would be considered to be within the direct supervision of the certified applicator. The certified applicator's spouse, employee or tenant may be within this class of competent person. Moreover, the regulations do not require that a distributor be certified in order to purchase a restricted use pesticide from the manufacturer. In order to clarify this position, the phrase "retail sale" has been substituted for the word "sale," which had appeared in the regulations as proposed.

Any product classified for restricted use may be limited to use by or under the direct supervision of a certified applicator. Moreover, pursuant to section 3(d)(1)(C)(ii) of the Act and § 162.11(c)(5), of these regulations, the Administrator may additionally or alternatively impose other regulatory restrictions. Several commenters argued that the regulations as proposed did not provide for appropriate labeling in the case a pesticide is only restricted pursuant to any other regulatory restriction. The language of § 162.10(j)(2)(i)(B) has accordingly been amended to clarify that the requirement for a label statement restricting sale and application of a pesticide to certified applicators, or persons under their direct supervision, applies only to pesticides whose registration so restricts them. If any other regulatory restriction alone is imposed on the pesticide's use, the Administrator will define the appropriate labeling for the terms of restriction.

Several commenters argued that it is overly burdensome to impose this restriction on sale of restricted use pesticides by October, 1976. They believe that most applicators will not be certified by that date. Extensive commitments have been and are continuing to be made to the institution of a fully operative certification program. If by 1976, it is evident that an insufficient number of pesticide applicators have been certified, consideration will be given to amending these regulations.

(b) The proposed regulations had provided that any pesticide for which some uses are classified for general use and others for restricted use must be separately labeled in accordance with specified labeling standards, and marketed as separate products with different registration numbers, one for the general use(s) and the other for the restricted use(s). Several commenters argued that this provision is beyond the statutory authority of the Agency. Section 3(d)(1)(A) of the Act specifically authorizes the Administrator to require separate packaging and labeling to distinguish the restricted and the general uses of a pesticide.

The purpose of this section is to prevent pesticide misuse and accidents in the future. In order for the provisions of § 162.10(j)(2), discussed above, to have any practical effect, products must be separately labeled and marketed according to use classification. Commenters argued that the requirement of separate labeling will encourage deletion from product labels of specialized or minor crop uses. EPA is committed to support of minor and specialty crop uses and is encouraging individual States to register pesticides for these uses pursuant to section 24(c) of the Act and the regulations thereunder.

Several commenters argued that although it is reasonable for restricted use(s) not to appear on the general use label, general use(s) should be permitted on the restricted use label. The Agency recognizes that a certified applicator is well qualified to use a pesticide for both its restricted and general uses. Therefore, a provision has been included in § 162.10(j) to permit both the general and restricted uses of a pesticide to appear on the label of a restricted use product. Such products are subject to all provisions of § 162.10(j)(2). It would be a use inconsistent with the labeling for an individual, other than a certified applicator or someone under his direct supervision, to use such a product even for its general use(s).

(c) Several commenters suggested changing the placement and wording of the classification statement for general use products. The proposed regulations had provided that the statement "General Classification—available to the public" must appear following the heading "Direction for Use." These commenters suggested that this label statement be permitted on the front panel of the pesticide product, as well. EPA feels that emphasizing the general classification of the product is likely to mislead the public. Therefore, the suggestion of these commenters has been rejected and the statement of general classification has been modified to delete the phrase "available to the public." In addition, explicit language has been added to § 162.10(j)(1) to indicate that any reference to the general classification that suggests or implies that the general utility of the pesticide extends beyond those purposes and uses contained in the Directions for Use is considered a false or misleading statement within the

meaning of section 2(q)(1)(A) of the Act.

Section 162.11 *Criteria for Determinations of Unreasonable Adverse Effects.* Several commenters objected generally to § 162.11 on the grounds that utilizing specific criteria for determining "unreasonable adverse effects", as that term is applied to registration, cancellation and classification decisions, is arbitrary and premature. Little if any direct justification for this charge was included with these comments, nor were specific suggestions made for improving the criteria. Other commenters suggested that the Agency include a criterion for determining the acute toxicity hazard posed by a product as diluted for use. Finally, some commenters criticized the proposed regulations for failing clearly to set forth the procedures for applying the criteria in reaching a final decision.

In order to respond to these comments, both general and specific, the Agency has significantly expanded its preamble discussion of the scientific, policy and legal justification for the individual criteria selected. In some cases, the criteria were modified and the rationale for the modification is clearly set forth. The Agency agrees with the comment that criteria for use dilution are appropriate in assessing some forms of exposure to acutely toxic pesticides. The criteria selected and the reasons for adopting use—dilution criteria are included below. Finally, the procedures for applying the criteria, the method of rebuttal, and the standard to be applied at the various stages of review are all set forth in the regulations. An extensive discussion of these procedures and the legal justification for them is included below.

The title of this Section, as proposed, was "Unreasonable Adverse Effects." A commenter noted that this proposed title suggested that all registered pesticides would give rise to "unreasonable adverse effects." Since the Section's primary function is to specify the conditions which determine whether a pesticide is to be registered and how its uses are to be classified, and since these determinations ultimately depend upon an evaluation of the pesticide's potential to cause unreasonable adverse effects, the title of the Section is changed to: "Criteria for Determinations of Unreasonable Adverse Effects."

A. *Statutory Standards.* The basic environmental standard for major regulatory determinations under FIFRA, as amended, is "unreasonable adverse effects on the environment." The term is defined by section 2(bb) of the Act to mean "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." The term "environment" as defined by section 2(j) "includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these." FIFRA applies the statutory standard in five separate contexts: (1) In determining whether to approve or deny an application for registration



(FIFRA sec. 3(c) (5) and (6)); (2) in determining whether to issue notice of intent to cancel registration or to hold a hearing (FIFRA sec. 6(b)); (3) in determining whether finally to cancel registration (FIFRA sec. 6(d)); (4) in determining whether to suspend a registration pending the completion of a cancellation proceeding (FIFRA sec. 6(c)); and (5) in determining whether a pesticide should be classified for general or restricted use (FIFRA sec. 3(d)(2)). If the statutory tests demanded precisely the same determination in each of these different contexts, it would be impossible for EPA to perform these distinct regulatory functions. Moreover, it is inconceivable that the determination needed to trigger the formal administrative review would be the same as that required to make a final determination after such review has been completed. Congress obviously intended that the determinations required in applying the statutory test in these different contexts would vary according to the purpose of each different regulatory function. Therefore, EPA must apply different factors and criteria in determining "unreasonable adverse effects on the environment" depending on the specific regulatory determination involved. Those factors and criteria which EPA has determined are relevant to the particular determinations of "unreasonable adverse effects on the environment" are contained in § 162.11.

**B. Administrative and Judicial Interpretations of the Statutory Standard.** In developing the criteria for registration, classification, and cancellation, the Agency has been guided by the administrative and judicial interpretations of the basic statutory standard. These interpretations are set forth in orders issued by the Administrator in court decisions in review of the Administrator's orders. The Administrator has determined that in applying the standard of "unreasonable adverse effects" for purposes of denial or cancellation of registration, a notice of denial or cancellation or notice of intent to hold a hearing to determine whether the registration should be denied or cancelled, as appropriate, shall be issued when he has determined that a substantial question of safety exists as to the use or continued use of the pesticide and that applicable court decisions require that such notice be issued under these circumstances.

The Administrator has further determined that the regulatory actions specified in this § 162.11 are in accordance with his prior orders and court decisions affirming those orders. The basis for these determinations is more fully set forth in the following discussion.

**1. Substantial Question of Safety: Initiation of the Formal Hearing Process.** In *Environmental Defense Fund, Inc. v. Ruckelshaus*, 439 F. 2d 584 (D.C. Cir. 1971), hereinafter referred to as *EDF v. Ruckelshaus*, EDF challenged, among

other things, the Secretary of Agriculture's refusal to issue a cancellation notice regarding all registered uses of DDT, which would have set the formal administrative hearing process in motion. Acting under FIFRA prior to the 1972 amendments, the Secretary refused to issue the notice pending further study of the benefits of the uses of DDT and the adequacy of substitutes, although he had found that use of DDT poses a substantial risk to man and the environment.<sup>9</sup> The court held that FIFRA required issuance of a cancellation notice when there was a substantial question of safety regarding continued use of the pesticide and that the weighing of benefits against such risk should occur in a public forum:

The legislative history supports the conclusion that Congress intended any substantial question of safety to trigger the issuance of cancellation notices, shifting to the manufacturer the burden of proving the safety of his product.

For when Congress creates a procedure that gives the public a role in deciding important questions of public policy, that procedure may not lightly be sidestepped by administrators. The cancellation decision does not turn on a scientific assessment of hazard alone. The statute leaves room to balance the benefits of a pesticide against its risks. The process is a delicate one, in which greater weight should be accorded the value of a pesticide for the control of disease, and less weight should be accorded its value for the protection of a commercial crop. The statutory scheme contemplates that these questions will be explored in the full light of a public hearing and not resolved behind the closed doors of the Secretary. There may well be countervailing factors that would justify an administrative decision, after committee consideration and a public hearing, to continue a registration despite a substantial degree of risk, but those factors cannot justify a refusal to issue the notices that trigger the administrative process. 439 F.2d at 593-4.

In rejecting the notion that cost/benefit analysis was required prior to the initiation of public hearings the court observed that:

Public hearings bring the public into the decisionmaking process, and create a record that facilitates judicial review. If hearings are held only after the Secretary is convinced beyond a doubt that cancellation is necessary, then they will be held too seldom and too late in the process to serve either of these functions effectively. *Id.* at 595.

The administrative hearing also serves the important function of affording the registrant an opportunity to challenge the Agency's determination that the pesticide poses a substantial question of safety and to establish that the benefits of use outweigh the risks.

Since the decision in *EDF v. Ruckelshaus*, every court which has addressed

<sup>9</sup> Prior to the 1972 amendments, FIFRA provided for a determination that a notice of cancellation should be issued if, among other things, continued use of the pesticide would be "injurious to living man" or the environment.

the question has embraced the "substantial question of safety" rule.<sup>10</sup>

In *Dow Chemical Company v. Ruckelshaus*, 477 F.2d 1317 (1973) the Court of Appeals for the Eighth Circuit recognized that cancellation of pesticide registrations under FIFRA "is a situation of extreme complexity, interweaving economic pressures with the most basic considerations of human safety." 477 F.2d at 1326. Dow Chemical Company challenged the Administrator's notice of intent to cancel 2,4,5-T for failure to make ultimate findings of the unacceptability of the pesticide in determining to issue that notice. The court held that the cancellation notice was not reviewable since it "merely sets in motion the administrative process that terminates in a reviewable final order." 477 F.2d at 1323. In so ruling the court adopted the "substantial question of safety" test for issuance of notices of cancellation and rejected Dow's claim that such a notice may not be issued until the Administrator has made the ultimate finding required by FIFRA:

Since the registrant has a continuing burden of proof to establish that its product is entitled to registration, *Southern Nat'l Mfg. Co. v. EPA*, 470 F.2d 194 (8th Cir. 1972), if the Administrator has a substantial doubt as to safety, it is his duty . . . to issue the cancellation order. And the cancellation order will remain in effect until the registrant satisfies the Agency that registration is warranted. 477 F.2d at 1324-5 (footnote omitted).

In *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, 465 F.2d 528 (D.C. Cir. 1972), a case arising under FIFRA prior to the 1972 amendments, EDF challenged the Administrator's refusal to suspend the registrations of Aldrin/Dieldrin on the basis that in balancing risks and benefits he failed to consider the adequacy of substitute pesticides. The suspension procedure at issue provided for suspension effective immediately without a prior public hearing—a procedure equivalent to the emergency suspension of FIFRA § 6(c)(3). Stating that [w]e are not clear that the FIFRA requires separate analysis of benefits at the suspension stage . . . , the court nevertheless agreed with EDF that having undertaken risk/benefit analysis, the Administrator was required fully to consider pest control alternatives. Having acknowledged that the Administrator may weigh risks and benefits in a summary suspension determination, the court distinguished that determination from the initiation of can-

<sup>10</sup> *Environmental Defense Fund v. Environmental Protection Agency*, 510 F.2d 1292 (D.C. Cir. 1975); *Dow Chemical Co. v. Ruckelshaus*, 477 F.2d 1317, 1319 (8th Cir. 1973); *Environmental Defense Fund v. Environmental Protection Agency*, 465 F.2d 528, 533 (D.C. Cir. 1972); *Stearns Electric Paste Co. v. Environmental Protection Agency*, 426 F.2d 293, 307 (7th Cir. 1972); *Wellford v. Ruckelshaus*, 439 F.2d 598, 601 (D.C. Cir. 1971).



cancellation proceedings where the only standard "for the issuance of cancellation notices" is "substantial question of safety." 465 F.2d at 533.

Accordingly, in cases arising under FIFRA prior to the 1972 amendments, the courts have uniformly held that where a substantial question of safety as to use of a pesticide is found to exist, provision must be made for an opportunity for balancing the risks against the benefits of use of the pesticide in a public hearing.

The legislative history states that the effect of these decisions under the pre-1972 statute is not changed by the 1972 amendments, but rather is incorporated in the revised statute. The Senate Committee on Agriculture and Forestry stated in its report on the 1972 amendments to FIFRA that the amendments "carry forward" existing law: notice of intent to cancel registration must be issued "where a substantial question of safety exists." Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92d Cong. 2d Sess. 12-13 (1972); See also Committee of Conference, Federal Environmental Pesticide Control Act, S. Rep. No. 92-1540, 92d Cong. 2d Sess. 32 (1972) ("[the amended FIFRA] preserves cancellation criteria in existing law").

This view has also been recognized in the adoption of section 16(a) of the amended FIFRA which provides that the decision to register or not to cancel registration shall be reviewable in district court where a trial *de novo* would be conducted solely to determine whether a substantial question of safety existed. The Senate Agriculture Committee Report on section 16(a) stated that:

Where, however, the Administrator has determined no substantial question of safety exists which warrants formal review, and thus has refused to hold a hearing, review should be by a district court since there is no record for the court of appeals. *Id.* at 13.

Thus, under the 1972 amendments, Congress intended that "unreasonable adverse effects" as applied to the issuance of denial and cancellation notices would be determined by the presence of a "substantial question of safety." As applied to a decision finally to deny or cancel registration, the determination of "unreasonable adverse effects" would include, in addition, a balancing of risks and benefits.

In its April 4, 1975 decision affirming the Administrator's order suspending registrations of Aldrin and Dieldrin, the United States Court of Appeals for the District of Columbia Circuit reiterated in *Environmental Defense Fund v. Environmental Protection Agency*, 510 F.2d 1292 (1975), that the "substantial question of safety" test remains the basis for issuing a notice of intent to cancel or deny registration under the provisions of the 1972 amendments to FIFRA. 510 F.2d at 1296, n. 4. Citing the 1972 amendments to FIFRA, the court emphasized its earlier holding in *EDF v. Ruchelshaus*, *supra* (1972) that "FIFRA requires the Secretary to issue cancellation notices and thereby initiate the administrative

process whenever there is a substantial question about the safety of a registered pesticide." *Id.*

Where a substantial question of safety is found to exist, the regulations provide, in accordance with Court decisions and legislative intent, that a notice of intent to deny registration, a notice of intent to cancel registration, or a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, must be issued. Following issuance of the notice and convening of a hearing, the regulations provide, in accordance with court decisions and legislative intent, an opportunity for the risks and benefits from use of the pesticide to be fully considered and weighed in a public forum.<sup>11</sup>

FIFRA makes a procedural distinction between denials of registration and cancellation of registration. In the case of a new application for registration, the Administrator may grant or deny registration. The effect of denial is to prevent the pesticide from being introduced into commerce until administrative procedures—such as section 3(c)(6) hearings—have been exhausted. In the case of an existing registration, however, the Administrator may either continue the registration or cancel the registration. Unless the registrant fails to request a hearing within 30 days of the initial cancellation order, cancelled registrations remain in full force and effect until after a decision has been reached on the record by the Administrative Law Judge, and by the Administrator if the case is appealed to him.

Because of these inherent differences in the statutory procedures for denial and for cancellation, which allow continued use of cancelled pesticides pending a final decision following an administrative hearing, FIFRA also provides for accelerated procedures with respect to cancelled pesticides. In accordance with FIFRA section 6(c), where the Administrator finds that "action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings \* \* \*" he may by order suspend the registration after providing an opportunity for an expedited hearing on the question of "whether an imminent hazard exists."

In addition, where he finds that such an imminent hazard exists, the Administrator may issue an emergency order suspending registration effective immediately pending completion of the expedited suspension hearing. The term

<sup>11</sup> Prior to the 1972 amendments, FIFRA did not explicitly require that the risks (costs) and benefits of use be balanced in finally determining the registration or cancellation of pesticides. However, as the Administrator noted in the DDT order, the balancing test had long been established. "Both judicial and administrative precedent recognize that Congress intended the application of a balancing test, that would measure the risks of using a particular chemical against its benefits." Order, Consolidated DDT Hearings, Opinion and Order of the Administrator, 37 FR 13369 (July 7, 1972).

"imminent hazard" is defined by FIFRA section 2(1) to mean "a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding(s) would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of Interior under Pub. L. 91-135."

Thus, the statutory test of unreasonable adverse effects which applies to denials of registration and to cancellations also applies to suspensions, and, before a suspension order may be issued, the cancellation process must have been initiated. Section 6(c)(1). Therefore, the regulations do not set forth procedures governing suspension but it is appropriate briefly to set forth recent case law which will guide the Agency's determination as to the presence of an "imminent hazard."

The courts have repeatedly "cautioned that the term 'imminent hazard' is not limited to a concept of crisis: 'It is enough if there is substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative (cancellation) process.'" *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, 510 F.2d at 1297 (D.C. Cir. 1975). (Emphasis in original) quoting from *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, 465 F.2d at 540 (D.C. Cir. 1972). Of course, as in the cancellation proceeding, the Administrator does not have the burden of proving that a pesticide is unsafe since the statute and case law place "[t]he burden of establishing the safety of a product requisite for compliance with the labelling requirements \* \* \* at all times on the applicant and registrant." *EDF v. EPA*, 510 F.2d at 1297 (D.C. Cir. 1975); *EDF v. EPA*, 465 F.2d at 540 (D.C. Cir. 1972).

The courts have consistently held that "the function of the suspension decision is to make a preliminary assessment of evidence and probabilities, not an ultimate resolution of difficult issues. We cannot accept the proposition \* \* \* that the Administrator's findings [are] insufficient because controverted by respectable scientific authority. It [is] enough that the administrative record contain respectable scientific authority supporting the Administrator." *EDF v. EPA*, 510 F.2d at 1298 (D.C. Cir. 1975); *EDF v. EPA*, 465 F.2d at 537 (D.C. Cir. 1972).

The courts have distinguished between cancellation and suspension by requiring that cancellation notices issue whenever there is a substantial question of safety and defer thorough consideration of benefits to the public forum, whereas in the case of suspension, "the statute empowers the Administrator to take account of benefits or their absence as affecting imminency of hazard." *EDF v. EPA*, 465 F.2d at 538 (D.C. Cir. 1972). Accordingly, within the constraints imposed by FIFRA and by case law as explained briefly below, the Agency intends to continue evaluating the need for suspension by taking into account, upon issu-



ance of a notice of intent to cancel in accordance with these regulations, risks and benefits of use, the expected length of any cancellation proceedings; any relevant manufacture, distributing, or use cycle; and any other pertinent factors.

2. *Test data for evaluation of risk.* In determining the factors and criteria for initiating a cancellation or denial proceeding because of "unreasonable adverse effects on the environment" and for issuing final orders in such proceedings, the Administrator has been guided by the general principles and policies developed in previous cancellation and suspension proceedings which have been affirmed by United States Courts of Appeal. The first major EPA action brought against a pesticide because of environmental and human health risks was the cancellation of DDT which was finally decided by the Administrator on June 14, 1972<sup>12</sup> and subsequently affirmed by the United States Court of Appeals for the District of Columbia Circuit on December 13, 1973.<sup>13</sup>

In finding that DDT should be cancelled, the Administrator applied several general principles and policies which have also been applied in other proceedings and are adopted in these regulations. First, in assessing the risks of the use of a pesticide, both short-term and long-term effects on man and other organisms must be determined and considered.

Second, the actual observations of long-term, chronic effects, particularly on man through epidemiological studies, are of limited value in determining the registrability of a pesticide, since once the effects are actually observed in man or the environment, the harm has already occurred and may be irreversible. Therefore, extrapolation from laboratory studies on animals must be utilized to assess risks to man or the environment. As the Administrator stated in the Order:

It is particularly difficult to anticipate the long-range effects of exposure to a low dose of a chemical. It may take many years before adverse effects would take place. Diseases like cancer have an extended latency. Mutagenic effects will be apparent only in future generations. Lastly, it may be impossible to relate observed pathology in man to particular chemical because of the inability to isolate control groups which are not exposed in the same degree as the rest of the population.<sup>14</sup>

On December 13, 1973, the United States Court of Appeals for the District of Columbia affirmed the Administrator's Opinion and Order holding that his decision was supported by "substantial evidence."<sup>15</sup> Moreover, in reviewing the

Administrator's decision the Court emphasized the expertise of the Agency in evaluating the environmental and human health risks of the use of chemicals and appropriately deferred to the expert conclusions reached by EPA even in the face of conflicting scientific opinion.

\* \* \* we as a court are confronted with a problem in administrative law, not in chemistry, biology, medicine, or ecology. It is the administrative agency which has been called upon to hear and evaluate testimony in all scientific fields relevant to its ultimate question of permission or prohibition of the sale and use of DDT. The EPA Administrator had an opportunity to make a careful study of the record of seven months of public hearings and the summaries of evidence prepared for him, heard oral argument, and now has arrived at a decision to ban most uses of DDT. It is his decision which we must review; we are not to make the same decision ourselves. *Id.* at 1252.

Specifically, the Court held that the use of laboratory data, general data, and recognition of the inherent chemical characteristics of pesticides were sufficient as a matter of law to determine that a pesticide should not be registered.

Reliance on general data, consideration of laboratory experiments on animals, etc., provide a sufficient basis to support the Administrator's findings, even with regard to each special use of DDT. *Id.* at 1254.

Furthermore, the Court held that the Administrator was not required to determine and balance the risks and benefits of each specific use of a pesticide to determine that "the use [of a pesticide] in general is hazardous" and therefore cannot be registered or continue to be registered.

The general principles and policies set forth in the DDT cancellation opinion and order recently were applied and expanded in the decision of the Administrator to suspend virtually all uses of the pesticides Aldrin and Dieldrin.<sup>16</sup> As in the case of the decision to cancel DDT, the decision to suspend Aldrin and Dieldrin was based on several years of administrative inquiry into the risks of Aldrin and Dieldrin and many months of cancellation hearings, evidence of which was incorporated into the suspension hearing. The Administrator's opinion, which considered and was preceded by an extensive recommended decision by the Chief Administrative Law Judge<sup>17</sup> who presided during the cancellation hearings and the suspension hearings, focused on the single issue of the carcinogenic risk of Aldrin and Dieldrin. Before deciding whether there was sufficient evidence to find a carcinogenic risk

from Aldrin and Dieldrin, the Administrator, as did the Administrative Law Judge in his recommended decision, set forth the general theories for evaluating the carcinogenicity evidence on Aldrin and Dieldrin. First, the Administrator affirmed the scientific validity and administrative necessity of using experimental animal data in evaluating the risks pesticides pose to man and the environment.<sup>18</sup> Second, as in the DDT Order, he rejected the notion that in the face of positive laboratory data of carcinogenicity, regulatory decisions which will directly affect the public health must be deferred pending completion of epidemiological studies which require many years and in any event provide data for making public health decisions only after the public health may have been irreversibly jeopardized. Third, the Administrator questioned the results of epidemiological studies where the chemical is environmentally ubiquitous and all populations have received chronic exposure.<sup>19</sup> Fourth, the Administrator rejected the distinction between "benign" and "malignant" tumors and "tumorigenic" and "carcinogenic substances" for purposes of hazard evaluation because of "the increasing evidence that many tumors can develop into cancers." He determined that "for purposes of carcinogenicity testing, they should be considered synonymous."<sup>20</sup> Finally, the Administrator agreed with the finding of the Administrative Law Judge that no safe level of exposure could be set for the pesticides Aldrin and Dieldrin which had been demonstrated to be carcinogenic in animals, even at very low levels. Accordingly, the Administrator concluded that "a substance that will induce cancer in experimental animals at any dose level, no matter how high or low, should be treated with great caution."<sup>21</sup>

On April 4, 1975, the Court of Appeals for the District of Columbia in *Environmental Defense Fund v. Environmental Protection Agency*, 510 F. 2d 1292, affirmed the Administrator's Order and Opinion. The Court upheld the Administrator's findings and policies set forth above as being within the expertise of the Agency. Specifically the Court stated:

The Administrator's failure to determine a threshold level of exposure to aldrin/dieldrin does not render his determination improper, for he had concluded that the concept of a threshold exposure level has no practical significance where carcinogens are concerned. This is due in part to the irreversibility and long latency period of carcinogens. "[W]here the matter involved is as sensitive and fright-laden as cancer," and the statute places the burden on the registrant to establish the safety of his product, we shall not, assuming a substantial showing of danger, require the Administrator to make impossible proofs. In

<sup>16</sup> Shell Chemical Company, et al., Opinion and Order of the Administrator, 39 FR 37265 (Oct. 18, 1974).

<sup>17</sup> While the Order of the Administrator did not explicitly adopt the findings and reasoning of the Administrative Law Judge, it "is clearly implicit in and indeed suffuses his [the Administrator's] entire opinion, that he accepts the Administrative Law Judge's findings and reasoning except where a difference in commentary is made explicit." *EDF v. EPA*, 510 F. 2d at 1304 (D.C. Cir. 1975).

<sup>12</sup> Consolidated DDT Hearings, Opinion and Order of the Administrator, 37 FR 13369 (July 7, 1972).

<sup>13</sup> *Environmental Defense Fund v. Environmental Protection Agency*, 489 F. 2d 1247 (D.C. Cir. 1973).

<sup>14</sup> Opinion and Order, *supra*, footnote 19 at 13371.

<sup>15</sup> *EDF v. EPA*, 489 F.2d 1247.

<sup>18</sup> *Id.* at 37270.

<sup>19</sup> These principles were recently reaffirmed by the Administrator in his decision to deny the State of Louisiana's request for emergency use of DDT on cotton. See, *Statement of Reasons for Denial and Supplemental Statement*, 40 FR 15934 (April 8, 1975).

<sup>20</sup> *Id.* at 37267.

<sup>21</sup> Opinion, *supra*, at 37268.



reviewing administrative actions, courts "cannot fairly demand the perfect at the expense of the achievable." The Administrator's conclusion is within the scientific expertise of the agency, and is not infected by error of law. *Compare Environmental Defense Fund, Inc., v. Ruckelshaus*, *supra*, 142 U.S. App. D.C. at 86, 438 F. 2d at 596.

The validity of extrapolation to humans from data derived from tests on animals is also a matter within the agency's expertise. There was testimony before the Administrator to support such extrapolation, and this court has acknowledged the significance of test animal data when cancer is involved. Use of animal data is particularly appropriate where, as here, accurate epidemiological studies cannot be conducted because the virtually universal contamination of humans by residues of aldrin/dieldrin make it impossible to establish an uncontaminated human control group. The long latency period of carcinogens further hinders epidemiological research, and the ethical problems of conducting cancer experiments on human beings are too obvious to require discussion. Although extrapolation of data from mice to men may be quantitatively imprecise, it is sufficient to establish a "substantial likelihood" that harm will result. [Citations omitted], *Id.* at 1298-1299.<sup>22</sup>

Finally, the Court affirmed the Administrator's balancing of the risks and benefits of the use of Aldrin and Dieldrin in his decision to suspend, noting that if the EPA suspends, as in the case of Aldrin and Dieldrin, the burden is on the proponent of registration "to establish that continued registration poses no safety threat" or "that the benefits outweigh the risks." *Id.* at 1302.

In accordance with the principles of hazard evaluation in the exhaustive DDT and Aldrin/Dieldrin administrative and court proceedings, the use of animal test data is the foundation for hazard evaluation criteria for new and old pesticide products. Such data are used to evaluate both the short term and the long term effects from the use of a pesticide; therefore, in § 162.11, both acute and chronic effects criteria are set forth. The hazard of acute effects, as is explained below, generally can be quantified on a comparative scale. The hazard of chronic effects, however, is generally not subject to precise quantification and must be evaluated as part of a qualitative assessment of risk. In the following sections, the specific criteria for assessing both acute and chronic effects and the rationale for the selection of specific criterion are set forth. As explained below, these criteria serve as initial hazard indicators which set more formal procedures in motion to determine classification, registration and cancellation. The criteria do not impose additional data requirements. Data requirements are set forth in § 162.8 and the corresponding sections of the Registration Guidelines.

**C. Acute Toxicity Criteria.** Several commenters questioned the propriety of utilizing numerical toxicity criteria as

hazard indicators for the dual purpose of determining whether, as an initial matter, a pesticide should be classified for general or restricted use and whether a pesticide is subject to a rebuttable presumption against registration or continued registration. For the reasons set forth below, the Administrator has determined that such toxicity criteria are valid indicators of presumptive hazard and serve the important regulatory function of screening those pesticides which require additional scrutiny to determine whether they should be registered or, if registered, whether they should be classified for general or restricted use. As discussed below, the particular numerical criteria employed vary according to the anticipated rate of exposure, type of use, and anticipated hazard.

**1. Existing Numerical Criteria.** Numerical toxicity criteria have, of course, been used in this country and abroad as indicators of hazard for many years. In 1949 Hodge devised a numerical scale in which chemicals were classified into groups categorized by simple descriptive phrases—"extremely toxic," "highly toxic," "moderately toxic," etc.—using the oral LD<sub>50</sub> as the numerical criterion for categorization.<sup>23</sup> This scale was subsequently modified by Gosselin to apply to formulations rather than technical chemicals with the object of preventing poisoning, since the formulated product had wider distribution and exposure than the technical material. Gosselin's scale was further modified and expanded by inclusion of numerical criteria (LD<sub>50</sub> or LC<sub>50</sub>) representing dermal and inhalation toxicity and formed the basis of regulatory interpretations under the 1947 FIFRA, to determine the warning (signal) words and precautionary statements required to appear on a product label.<sup>24</sup>

**a. Use of existing toxicity categories for precautionary labeling.** This same method is used for determining the appropriate signal word and precautionary statement for labeling purposes under these regulations, although some modifications have been made to the inhalation and skin and eye irritation criteria. Thus, numerical toxicity categories are established for formulated products based on dermal, inhalation, and oral LD<sub>50</sub> or LC<sub>50</sub> values; and qualitative descriptors are used to evaluate skin and eye effects. For instance, if a particular formulation has a dermal LD<sub>50</sub> of 200 mg/kg or less, it falls into the highest

toxicity category and must bear on its label the signal word, "Danger," and the precautionary statement, "Fatal (Poisonous) if absorbed through skin. Do not breathe dust [vapor or spray mist]. Do not get in eyes, on skin or on clothing." In addition, the label must bear a statement of practical treatment on the front panel. See § 162.10(i). Few commenters questioned the continuation of this system, as modified, for labeling determinations.

**b. Existing toxicity categories for classification of pesticides.** In enacting the comprehensive 1972 amendments to FIFRA, Congress recognized that these long-standing label requirements had not been adequate, standing alone, to protect the pesticide user or other persons from the adverse effects of exposure to acutely toxic pesticides. Accordingly, section 3(d) of the amended Act directs the Administrator to classify pesticides either for general use or for restricted use. Pesticides classified for restricted use will be restricted to use by certified applicators or subject to other regulatory restrictions.

Section 3(d)(1)(C)(i) of the Act specifically requires the Administrator to restrict a pesticide's use to certified applicators if the pesticide is classified for restricted use based on its acute dermal or inhalation toxicity. As discussed above, the established method for determining acute toxicity is based upon laboratory procedures that establish doses lethal to 50% of the test animals. This method was utilized prior to the 1972 amendments to protect the user through labeling. Accordingly, the Administrator concluded that it was reasonable to apply the same system, including equivalent numerical criteria, when determining as an initial matter that a pesticide was too hazardous to be classified for general use. Established as hazard indicators, the toxicity categories serve expressly that function in the classification scheme by acting as an initial screen for classification. An applicant, however, as discussed elsewhere in this preamble, is provided the opportunity to demonstrate to the Administrator that a pesticide which meets the toxicity criteria for restricted use should nevertheless be classified for general use because its labeling, formulation, packaging, or method of use could reasonably be expected to minimize the likelihood of hazard.

The classification scheme is further refined in that more stringent criteria are set for pesticides registered for domestic use (in and around homes and certain areas of educational and health related institutions) than for non-domestic use. Specifically, if a pesticide formulation intended for domestic use falls into toxicity category I or II, it is considered a candidate for restricted use; if the formulation is intended for non-domestic use, it is considered a candidate for restricted use if its dermal or inhalation toxicity or skin or eye effects places it in toxicity category I. These toxicity categories are used explicitly in § 162.11(c)(2) which specifies criteria for classifying pesticides for reregistration. The same

<sup>23</sup> Hodge, H. C. and J. H. Sterner, *Tabulation of Toxicity Classes*, 10 AMER. INDUSTR. HYG. ASSOC. Quart., 93-95 (1949).

<sup>24</sup> For a discussion of history and development of the LD<sub>50</sub> test, see *Principles and Procedures for Evaluating the Toxicity of Household Products*, NATIONAL ACADEMY OF SCIENCES—NATIONAL RESEARCH COUNCIL, Publication 1138 (1964), and Loomis, Ted A., *Essentials of Toxicology*, LEA & FEBIGER, Philadelphia (1968). The value obtained for the LD<sub>50</sub> from an experiment with a finite number of test animals is on a statistical basis, an estimate of the actual dose required to kill 50% of an exposed population.

<sup>22</sup> The Court also affirmed the Administrator's use of mice data in assessing the carcinogenic hazard of Aldrin and Dieldrin despite strenuous objection by the petitioners that mice are not valid indicators of human carcinogens.



criteria are used in § 162.11(c)(1) which specifies criteria for classifying newly registered pesticides. Further protection to the user is provided by classification criteria in these sections based on chronic or delayed toxic effects, discussed *infra*, and by §§ 162.11(c)(3) and (4) which require consideration of adequacy of labeling, use history, accident data, and other appropriate factors.

2. *Additional Numerical Criteria for Protection Against Hazards not covered by Existing Categorization.* The LD<sub>50</sub> and LC<sub>50</sub> criteria used to define the toxicity categories are the experimental values determined for the formulated product. The degree of acute toxicity of the formulated product is determined in order to protect users from accidental exposure during handling and storage. However, human exposure to pesticides also occurs during and after application of the pesticide. These activities involve, in many cases, the application of a substance that has been diluted from a concentrated formulation. Therefore, to protect applicators and other exposed persons, including children, from hazardous exposure to pesticides during and after use, it is necessary to apply numerical criteria based on the toxicity of the pesticide as diluted for use. Depending on the degree of dilution, such criteria may be more or less stringent than those imposed on the formulated product. In addition, three criteria have been included for pesticides intended for outdoor application to protect against hazards to wildlife. The criteria are based on the amount of active ingredient which will remain after the application of the use diluted product.

Three steps are involved in the setting of these numerical criteria: (i) determination of the principal types of exposure which pose hazards; (ii) estimation of exposure levels encountered under conditions of use of the product or of similar products; and (iii) application of a safety factor to provide a margin of safety for individuals exposed to these levels.

The purpose of the following discussion is to explore each one of these steps in detail in order fully to explain the Agency's choice as to a particular number. The discussion immediately below sets forth general principles of exposure to acutely toxic pesticides and describes the anticipated hazard of such exposure as developed from field surveys and numerous publications. The next section discusses the selection of appropriate safety factors to address the anticipated hazard.

The final section explains the Agency's choice of criteria, including an explanation of why, in a particular case, the general principles of exposure, hazard, and selection of safety facts were or were not fully utilized.

a. *Types of exposure posing demonstrable hazard under conditions of gen-*

*eral use.* Published surveys<sup>25</sup> suggest that pesticide poisonings constitute a significant amount of all chemical poisonings in the United States and that most incidents of human poisonings by pesticides fall into one of two categories: poisoning of children, usually in the home, and poisoning of applicators. Hayes has reported that, depending on the sample year, pesticides have accounted for 6 to 13 percent of all poisoning from solids or liquids—with an estimated fatality rate of 0.65 per 1,000,000 or approximately 150–200 people per year and a rate of nonfatal to fatal poisonings of 100 to 1 or approximately 15,000–20,000 persons per year. Furthermore, of those poisonings approximately one-half involve children under ten years with the most significant portion involving children under 5 years. Occupational poisonings account for an estimated 15 percent of poisonings with pesticide applicators experiencing the highest rate and manufacturing workers experiencing the least number.<sup>26</sup> These estimates have not been corroborated by the Agency; however, we have determined that they indicate the scope of the hazard arising from pesticide use.

In the case of wildlife, most documented cases of substantial immediate damage refer to poisoning of mammals and birds feeding on contaminated food or on treated baits, or to kills of fish and other aquatic organisms resulting from contamination of shallow waters.<sup>27</sup> Tox-

<sup>25</sup> *Report of the Secretary's Commission of Pesticides and their Relationship to Environmental Health*, U.S. DEPT. HEALTH, EDUCATION, AND WELFARE, 304–319 (December 1969); Davies, J. E., et al. *Epidemiology and Chemical Diagnosis of Organophosphate Poisoning*, In "Pesticide Symposium" (W. B. Deichmann and J. L. Radowski, eds). Ind. Med. Publishing Co., Miami (1969), Lande, S. S., *An Epidemiological Study of Pesticide Exposure in Allegheny County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH, 90–95 (1974), Hayes, W. J., *Pesticides and Human Toxicity*, 160 ANN. N.Y. ACAD. SCI., 40 (1969), Hayes, W. J., *Epidemiology and General Management of Poisoning by Pesticides*, 17 PEDIATRIC CLINICS OF NORTH AMERICA, 629 (1970), Lisella, F. S., *Epidemiology of Poisoning by Chemicals*, 34 JOURNAL OF ENVIRON. HEALTH, 603 (1972), and Whittock, N. W., Keil, J. E., and Sandifer, S. H., *Pesticide Morbidity in South Carolina, Revisited*, 68 JOURNAL OF THE SOUTH CAROLINA MEDICAL ASSN., 109 (1972).

<sup>26</sup> Hayes, *Pesticides and Human Toxicity*, *supra* 40–45. Hayes reports that for California, one of few states with a mandatory accident reporting system, pesticide work injuries for 1960–63 ranged from 827–1,013. For the same period approximately 20 percent of the deaths caused by pesticides occurred from occupational exposure. For the period 1964–67, California had reported an annual average of 1,300 occupational poisonings, Hayes, *Epidemiology and General Management of Poisoning by Pesticides*, *supra* at 634.

<sup>27</sup> *Report of the Secretary's Commission on Pesticides and their Relationship to Environmental Health*, U.S. DEPT. OF HEALTH, EDUCATION, AND WELFARE (Dec. 1969) pp. 177–223.

icity to nontarget insects and other beneficial invertebrates is often of significance<sup>28</sup> but is difficult to prevent by means of classification.

b. *Estimating exposure levels for critical types of exposure.* The most important determination for assessing the hazard posed by an acutely toxic pesticide is the estimated exposure level likely to result from normal use. If that level is sufficient to produce an adverse effect, exposure must be limited through improved application techniques and the use of protective clothing, and other proper safety procedures. Even the most acutely toxic pesticide can probably be used safely if the applicator follows proper use and safety procedures to avoid a hazardous exposure. Conversely, a dose of a much less acutely toxic pesticide can result in severe injury through avoidable accident or improper negligent application techniques and procedures. In amending the Act, Congress found that substantial numbers of users of pesticides did not follow label directions and overused and misused pesticides. Congress, through Section 4 of the amended Act, addressed these problems by requiring that only applicators who have demonstrated competence be allowed to use acutely toxic pesticides. Applicators can be certified under the provisions of Section 4 if they have demonstrated their competence to use acutely toxic pesticides safely by avoiding dangerous exposure to themselves and other nontarget organisms. Accordingly, in determining the classification criteria for acute toxicity, it is essential that EPA estimate the amount of exposure likely to be experienced by both the applicator and by other persons, including bystanders and children, as a consequence of improper application. If the exposure levels would result in toxic doses or doses that have unreasonably small margins of safety, the pesticide should be classified for restricted use.

The exposure an applicator will receive in handling or applying a pesticide or the exposure any individual will receive as a result of the pesticide's application can then be related to the LC<sub>50</sub> and LD<sub>50</sub> doses obtained in laboratory experiments to determine the approximate danger associated with that level of exposure. Exposure during application is largely to the product as diluted for use. Accordingly, the use-dilution LD<sub>50</sub> has been added as a classification screening measure. The numerical criterion is computed as explained below.

(i) *Dermal exposure to applicators: outdoor spray application.* Extensive measurements are available of the amount of exposure to applicators and others during routine pesticide applications carried out according to customary practices. Summarizing their own work

<sup>28</sup> Rudd, R. L., *Pesticides and the Living Landscape*. UNIV. OF CALIFORNIA PRESS (1964).



and that of others, Wolfe *et al.*<sup>29</sup> tabulated over 80 exposure studies involving more than 5,000 measurements of exposure to 23 pesticide chemicals in a variety of formulations and under a variety of methods of application. In most studies the dermal and respiratory exposures to the active ingredient were measured and the use dilution was stated. If all of the active ingredient as measured by Wolfe, *et al.* was assumed to be residues of the use-diluted product, then the ratio of the residue to the dilution rate would give an accurate measure of exposure to the use-diluted product. In fact, however, the measured active ingredient residue resulted from total exposure to the applicator from both exposure to the use-diluted product and the formulated product. Therefore, the ratio of active ingredient residue to dilution rate overestimates the amount of exposure attributable to the use-diluted product. Thus, a factor is included in the computation to calculate the amount of total exposure arising solely from application of the use-diluted product. The exposure studies cited above do not include data necessary for computing this factor. However, based on knowledge of the activities which were analyzed in the exposure studies, its value is estimated to be two.<sup>30</sup> The rates of measured exposure to the use-diluted product were then computed according to the following equation:

$$E = \frac{M}{D \times 10^{-2}} \div 2$$

where E = exposure rate to the use-diluted product (mg/hr)

D = rate of dilution (%)

M = measured value of exposure rate to active ingredient (mg/hr)

For outdoor spray applications, most of the dermal exposures measured by Wolfe *et al.* and computed by the above equation fell into the range 3–50 g/hr., calculated as the rate of deposition of the diluted product falling on the skin of

<sup>29</sup> Wolfe, H. R., W. Durham, and J. F. Armstrong, *Exposure of workers to pesticides*, 14 ARCH. ENVIRON. HEALTH, 622 (1967). Wolfe, H. R., J. F. Armstrong, D. C. Staiff, and S. W. Comer, *Exposure of spraymen to pesticides*, 25 ARCH. ENVIRON. HEALTH, 29 (1972).

<sup>30</sup> To illustrate:

If a measured active ingredient deposition of 10 mg was assumed to be the residue of a 5% use-diluted product, then the pesticide worker must have been exposed to  $\frac{10}{.05} = 200$  mg of use-diluted product.

However, if of the 10 mg active ingredient deposition, only 5 mg resulted from exposure to the use-diluted product, with the other 5 mg resulting from exposure to the undiluted formulation, then the worker was exposed to  $\frac{5}{.05} = 100$  mg of use-diluted product. The latter example reflects the introduction of a factor of two to account for the fact that the measured deposition occurs to workers, who in the course of their normal activities, are exposed to both diluted and undiluted products.

an agricultural worker without special protective clothing; a number of individual measurements of dermal exposure were as high as 325 g/hr. Although the highest of these figures represent exceptionally bad practice, the measurements of Wolfe *et al.* indicate that dermal exposure levels of up to 125 g/hr to diluted product can be expected to occur during normal agricultural use, and exposures of up to 50 g/hr often occur even with experienced operators. Furthermore, Wolfe *et al.* has documented that users and applicators frequently fail to follow directions requiring protective clothing and respirators.<sup>31</sup> Based on an 8-hour working day by a 60 kg person, such practices would result in exposures of up to approximately 16 g/kg/day for the unskilled applicator and 6 g/kg/day for the skilled applicator respectively.<sup>32</sup>

(ii) *Dermal exposure to applicators: other formulations.* The above estimates of dermal exposures were derived primarily from measurements of exposure to spray formulations. The relatively few direct measurements of exposure from aerosol application indicates very little potential of hazard from exposure to the use-diluted product. However, since drift of droplets appears to be a major factor leading to higher exposures, products formulated as mists can be expected to give exposures similar to sprays.<sup>33</sup>

Other formulations, such as dusts and granules, are applied in undiluted form. Since the existing LD<sub>50</sub> on the formulated product offers protection to the applicator from dermal exposure to the undiluted product, no additional criteria have been provided for formulations other than spray and mist.

(iii) *Indoor exposure.* Far fewer data are available on exposure levels to indoor users of pesticides. Although Wolfe *et al.* (1967) listed only two indoor studies, one of these involved a case in which indoor house spraying resulted in dermal and respiratory exposure to the active ingredient of 1,755 and 7.1 mg/hr respectively—some 2–3 times larger than the highest figures listed in the Wolfe studies<sup>34</sup> as resulting from outdoor use, suggesting that indoor uses may result in higher rates of exposure, both to applicators and to others exposed to the pesticides. However, the fact that pesticides are usually sprayed indoors only for short periods decreases the hazard. Accordingly, it is unlikely that typical indoor exposures would approach those experienced by outdoor users working for a full day. This finding is supported by

<sup>31</sup> Wolfe, H. R., J. F. Armstrong, D. C. Staiff, and S. W. Comer, *The Use of Protective Clothing and Equipment for Prevention of Exposure to Pesticides*, PROCEEDINGS OF THE NATIONAL CONFERENCE ON PROTECTIVE CLOTHING AND SAFETY EQUIPMENT FOR PESTICIDE WORKERS, 155 (1972).

<sup>32</sup> Wolfe, *et al.*, op. cit. (1967, 1972).

<sup>33</sup> Wolfe, *et al.*, op. cit. (1972).

<sup>34</sup> These figures refer to active ingredient exposure, not to the use dilution exposure derived in the preceding discussion.

accident data which do not indicate a substantial frequency of poisonings from indoor use other than accidental ingestions by children.<sup>35</sup> There is indirect evidence from residue monitoring that indoor uses are responsible for a substantial portion of the average person's exposure to pesticides,<sup>36</sup> but such low level exposure would involve subacute or chronic toxic effects rather than acute poisoning. Chronic toxicity hazards are addressed under the criteria of § 162.11 (c) (1) and (2). No criterion is included for dermal exposure to the use-diluted product in domestic situations.

(iv) *Respiratory exposures.* The measurements summarized by Wolfe *et al.* suggest that in most cases dermal exposures greatly exceed respiratory exposures, often by a factor of 50 or more.<sup>37</sup> The largest reported respiratory exposure was only 1.4 g/hr, to a spray formulation, and even in this case it is not clear that a substantial part of the material was in droplets small enough to enter the lungs. Accordingly, it seems likely that respiratory exposure would be of much less significance to applicators than dermal exposures. According to accident summaries, the principal hazards posed by respiratory exposures would be to small children and to asthmatics.<sup>38</sup>

(v) *Accidental exposure to children.* When pesticides are used in domestic situations, there is the possibility that the pesticides may be accessible to children or pets. As discussed above, poisoning statistics indicate that the possibility is frequently realized since approximately 60 percent of all poisonings involve young children. Labeling is of no value in preventing accidents if the child can gain access to the pesticide product. Studies of domestic accidents reveal several general characteristics of pesticide accidents affecting children. For children under 2 years old, exposure is generally by ingestion, particularly from bait pesticides, moth balls and rodenticides used in indoor treated areas. For children aged 2–5 years, oral exposure, particularly to

<sup>35</sup> Hayes, *supra*.

<sup>36</sup> Radomski, J., Deichman, W. B. and Clizer, S. S., *Pesticide Concentrations in the Liver, Brain and Adipose Tissue of Terminal Hospital Patients*, 6 FD. COSMET. TOXICOL, 209–220 (1968).

<sup>37</sup> However, it must be noted that a pesticide is more rapidly and completely absorbed through the respiratory route than through the dermal route and therefore a small exposure may be toxicologically significant. Where indoor spraying is continued over a long period of time, exposure may be quite significant. For example, Wolfe *et al.* have reported that: "[I]n the case of DDT . . . indoor house spraying was about 4 times as hazardous as flagging for airplane dusting of fruit orchards, approximately 7 times as hazardous as outdoor house spraying, and over 30 times as hazardous as operating an air blast spray machine in a fruit orchard." Wolfe *et al.*, *Exposure of Workers to Pesticides*, *supra* at 625.

<sup>38</sup> Lande, S. *An Epidemiological Study of Pesticide Exposures in Allegheny County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH, 90 (1974).



stored pesticides, is very significant, as is eye and dermal exposure from all types of formulations but particularly from dust or granule formulations.<sup>39</sup> Exposure for children aged 2-5 occurs in all areas of pesticide use, both indoors and outdoors.<sup>40</sup>

It is difficult to estimate the precise degree of exposure of small children to pesticides, but there is evidence from documented incidents of fatal and non-fatal poisonings that children aged 2 or less can easily ingest 5g of a pesticide.<sup>41</sup> Based on a typical weight of 10kg for such a child, exposures of up to 0.5 g/kg of the product as diluted for use would be expected, at least for these formulations. For older children up to 5 years (i.e., up to about 20 kg in weight) ingestion of up to 60g seems likely in the typical accident involving drinking from a bottle.<sup>42</sup> This exposure would be as large as 3 g/kg and might involve ingestion of the formulated (undiluted) product unless the product was sold in special packages designed for child protection.

There is less information on dermal exposures to children, although the frequency of significant poisonings by the dermal route indicates that dermal exposures may be as significant as oral exposures, particularly for children over 2 years of age.<sup>43</sup> Eye exposures are also significant for children in the age range 2-5. Both these factors have been taken into account in setting the classification criteria for skin and eye effects.<sup>44</sup>

(vi) *Exposure to sensitive wildlife.* Critical exposures to mammals and birds occur primarily through contamination of their food.<sup>45</sup> The precise routes of contamination and the species at greatest risk vary greatly with the type of formu-

lation and the way in which the pesticide is applied. For example, baits and treated seeds may be eaten directly; sprays and dusts may contaminate vegetation or fruit used for forage; insects and fish may acquire sublethal residues and cause secondary poisoning. The most significant exposures can generally be predicted from experience with similar formulations of other pesticides; measurements of exposure levels can be obtained in test plots.

In the case of aquatic species, the most important exposure is usually through the water in which they live. Average exposure levels can be estimated by calculating the amount of pesticide that would be deposited per unit area of water surface under typical conditions of application (corresponding to the widespread pattern of use for the type of pesticide involved) and assuming that the material is uniformly mixed through the body of water. Most significant incidents of damage to aquatic animal populations (fish, shrimp, crabs, etc.) have taken place in shallow waters (marshes and streams less than 6 inches in depth). Further, many pesticides are formulated in such a way that they stratify in a thin layer at the surface or bottom of still waters. Accordingly, an average depth of 6 inches is selected as representative of the water bodies in which aquatic organisms are at risk. The species to be considered are those characteristic of such shallow waters.

c. *Safety factors.* The Act requires that the registration and labeling of pesticides be such as to prevent "unreasonable adverse effects to the environment." Accordingly, if a pesticide is to be classified for general use, the anticipated exposures to the formulated or use-diluted product resulting from handling and application typical of those practiced by untrained persons should fall short of the lethal exposures ( $LD_{50}$  or  $LC_{50}$ ) by factors sufficiently large to ensure that risk of injury to man or nontarget wildlife is small or negligible. The margin of safety required to render a specific injury sufficiently unlikely depends upon the type of exposure and upon the persons or animals most at risk. Each type of exposure and the corresponding safety factor must be considered separately.

(i) *A factor to allow for variations in exposure.* Studies of exposure during application, for example, show that the level of exposure depends on many factors, including environmental conditions (especially wind), the method and site of applications, the technique of the applicator, and the applicator's ability and willingness to wear prescribed protective clothing. These factors have been found to vary exposure levels 200-300 fold.<sup>46</sup> Exposure to children and wildlife is similarly expected to vary widely, depending on several factors. In practice, however, the figures and methods outlined in the previous section for estimating exposure levels resulting from typical uses have been derived from the high ranges

of measured exposures. Hence, the calculation of exposure presented above refers to individuals exposed more intensely than average, and no additional safety factor is required to protect them.

(ii) *A factor to allow for individual variability and sensitivity in humans.* Studies of the absorption of pesticides through human skin, for example, have shown that the efficiency of dermal absorption varies widely from one part of the body to another and among individuals.<sup>47</sup> Feldman and Maibach have stated that "assuming a normal distribution 1 person in 10 will absorb twice the mean value while 1 in 20 will absorb 3 times this amount."<sup>48</sup> Accordingly, a safety factor of 3-5 would be required to protect a high percentage of individuals whose dermal absorption is greater than average.

In addition to variations in the efficiency of absorption, there are wide variations in the sensitivity of different individuals to a toxicant even under standardized conditions of exposure. This variability is expressed in the form of dose-response curves, which relate the percentage mortality within samples of exposed animals to the dose or concentration to which the animals are exposed. The steeper the slope of the dose-response curve, the smaller the safety factor required to protect the more sensitive individuals, and *vice versa*.

In some cases the slopes of the dose-response curves are known. Gaines<sup>49</sup> has tabulated the acute oral and dermal toxicities of a large number of pesticides to rats, including in most cases estimates of both the  $LD_{50}$  (the dose required to kill 50 percent of a test group) and the  $LD_{01}$  (the dose required to kill 1 percent). For nearly all the chemicals, the ratio between the  $LD_{50}$  and the  $LD_{01}$  was between 2 and 4. Therefore the Agency has determined a safety factor of 3 below the  $LD_{50}$  is appropriate, since normally it will be sufficient to protect about 33 percent of a population of rats from acute poisoning. Since the human population is more variable in sensitivity than the strains of rats used in toxicity testing, somewhat larger safety factors would generally be required to provide comparable protection to humans.

(iii) *A factor to allow for variability and sensitivity among wildlife species.* Where the slope of the dose-response curve is unknown, as for many wildlife species, it may be estimated from measurements on comparable species or more generally from toxicological models. A widely used toxicological model is based on the empirical result that dose-response curves for many toxicants graph as straight lines over a wide range of

<sup>39</sup> Lande, S. *An Epidemiological Study of Pesticide Exposure in Allegheny County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH 90 (1974); Gehlbach, S. H., W. A. Williams, J. S. Woodall and J. I. Freeman, *Pesticides and Human Health—An Epidemiological Approach*, 89 HEALTH SERVICES REPORTS 274 (1974).

<sup>40</sup> Studies also indicate significant portions of domestic pesticide users simply do not recognize the hazard that pesticides pose to children. For example, according to a study reported in the *Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health* on the use of pesticides in one urban area it was found that many families ignored label direction warnings. "Locked storage was not employed by 88 percent of all families; 66 percent stored pesticides within easy reach of small children; 54 percent stored the chemicals near food or medicine; and 66 percent never wore protective gloves during use or washed their hands after application." *Supra* at 148. See also Baltimore, C. L., and R. J. Meyer, *A study of Storage, Child Behavioral Traits, and Mother's Knowledge of Toxicology in 52 Poisoned Families and 52 Comparison Families*, 42 PEDIATRICS 312 (1968).

<sup>41</sup> Jones, D. V. and C. E. Work, *Volume of a Swallow*, 102 AM. J. OF DISEASES OF CHILDREN, 427 (1961).

<sup>42</sup> Lande, *supra*.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Rudd, R. L. *Pesticides and the Living Landscape*. *supra*.

<sup>46</sup> Wolfe, et al. *supra* (1967).

<sup>47</sup> Maibach et al. *Regional Variation in Percutaneous Penetration in Man*, ARCH. ENVIRON. HEALTH 23, 208 (1971); Feldman and Maibach, *Percutaneous Penetration of Some Pesticides and Herbicides in Man*, TOXICOL. APPL. PHARMACOL. 126 (1974).

<sup>48</sup> Feldman and Maibach, *supra*.

<sup>49</sup> Gaines, T. B. *Acute Toxicity of Pesticides*, 14 TOXICOL. APPL. PHARMACOL. 515 (1969).



doses when plotted on logarithmic-probability paper. The slope of the line varies according to the test organism and the nature of the toxicant. From a cross-section of existing dose-response data it has been estimated that a typical slope is 4.5 probits per log cycle, and a minimum slope about 2 probits per log cycle. The latter situation corresponds to a very variable test population with some individuals displaying high sensitivity to the toxicant. From this model it can be estimated that a dose or exposure 10 times lower than the  $LD_{50}$  or  $LC_{50}$  would be expected to lead to a mortality rate of about 0.01 percent under typical slope conditions, but to a mortality rate of 4 percent under minimum slope conditions. A dose-response 5 times lower than the  $LD_{50}$  or  $LC_{50}$  would be expected to lead to mortality rates of about 0.1 percent and 10 percent respectively. These figures are used as the basis for selecting a safety factor of 5-10 for setting the classification criteria for protecting wildlife. These factors would be expected to provide an ample margin of safety for a typical species, but only marginal protection to the most variable species. Even larger safety factors than 10 would be desirable to ensure protection of species in which even a single death is of special concern, for instance the death of an endangered species.

(iv) A factor to allow differences on sensitivity between test animals and man. A safety factor of 10 is commonly applied to extrapolate from test animals to man on the basis that the variability of human sensitivity is greater than the variability of test animal sensitivity. Where precise data are available on toxicity to humans—from accident records on presently registered products—the use of smaller factors may be justified.

d. Selection of overall safety factors to prevent unreasonable adverse effects. Each of the safety factors discussed above is individually desirable to protect against hazards posed by extreme and unusual exposure. However, if all the safety factors are applied independently, the process might simply serve to protect against extremes of extremes. It is impossible to devise criteria that could eliminate all hazards for pesticide use, and the statutory standard does not contemplate such stringent criteria. The criteria selected must provide against unreasonable adverse effects, not all adverse effects. Therefore, it is necessary to select safety criteria that will reduce the probability of injury to an acceptable level, considering the number of individual persons and the populations of important wildlife at significant risk, the probable frequency of sensitive individuals within the populations, and the probability of above-average exposure. Accordingly, safety factors between 3 and 10 have been used to provide protection against unreasonable adverse effects for the principal types of hazards discussed above. The precise safety factors used in setting numerical criteria, and the rationale for selecting them, are set forth in the next sections.

3. Numerical Criteria for Use Classification. a. General numerical criteria for use classification. The Administrator has determined that pesticide formulations which fall into Toxicity Categories III and IV will not generally cause unreasonable hazards if handled and used by untrained persons. In addition, pesticide formulations which fall into Toxicity Category II will generally not cause unreasonable adverse effects if used by the normally more skillful applicators who apply pesticides in nondomestic situations. However, for the reasons given above, the Administrator has determined that additional numerical criteria besides the toxicity categories of the formulated pesticide are needed to protect against certain adverse effects.

b. Additional numerical criteria for use classification. (i) Acute oral toxicity. As shown above, children may be expected to ingest, under certain conditions, pesticides stored or used in domestic situations at doses up to 0.5 g/kg. This is predicated on the assumption that the child gains access to the pesticide chemical mixture. If, however, the pesticide formulation is specially packaged in a container that is "child-resistant" in the sense that children under 5 years cannot normally gain access in a reasonable amount of time, the possibility of exposure is minimized. Accordingly, no criterion is given for acute oral  $LD_{50}$  on the formulated product. The Agency will be publishing regulations shortly, pursuant to the authority of section 25(c) (3) of the Act, concerning standards for packaging of the formulated pesticide product.

A criterion is provided in these regulations, however, to protect the child from ingestion of the product in domestic application sites after it has been diluted for use. Normally, the container in which a pesticide is held when diluted for use is accessible to children. A safety factor of 3 is applied to the 0.5 g/kg exposure figure. The resulting criterion is an acute oral  $LD_{50}$  of 1.5 g/kg on the product as diluted for use. The products that have an acute oral use dilution  $LD_{50}$  below this figure will be candidates for restricted use classification.<sup>50</sup> A relatively low safety factor of 3 is justified because accident data can be used to supplement toxicity criteria in identifying product

<sup>50</sup> Because it is difficult to measure the toxicity of materials at very high doses, the Guidelines as currently proposed specify that numerical toxicity measures are not required if the oral or dermal  $LD_{50}$  exceed 5 g/kg. For the purpose of determining whether a product meets the numerical criteria derived in this section, it will be permissible to estimate the  $LD_{50}$  of a pesticide product from measurements of toxicity made of higher concentrations. For example, the  $LD_{50}$  of a product as diluted for use may be estimated as  $XY$ , where  $X$  is the  $LD_{50}$  of the formulated product and  $Y$  is the factor by which the formulation is diluted for use. In cases where the  $LD_{50}$  of the formulated product exceeds 5 g/kg, its toxicity may be estimated in the corresponding way from the  $LD_{50}$  of the active ingredient.

uses that should be classified for restricted use.

(ii) Acute dermal toxicity. As shown above, applicators and others may be exposed to doses of the use-diluted pesticide in spray or mist formulations as high as 16 g/kg/day, when the pesticides are applied by unskilled or careless applicators. Since the exposure an unskilled applicator may experience is known from the field studies conducted by Wolfe *et al.*, a precise  $LD_{50}$  criterion can be selected to adequately protect applicators receiving such exposure levels. Applying the minimum safety factor of 3 to an acute dermal  $LD_{50}$  of 16 g/kg/day would result in an LD value of 48 g/kg/day. However,  $LD_{50}$  values and LD values are based on experimental animal exposure of 24 hours. Since applicators normally are only exposed up to a maximum of 8 hours, using experimental data based on a continuous 24 hour exposure employs a safety factor to protect humans who are only exposed for  $\frac{1}{3}$  the time. Moreover, Durham, *et al.*, has shown that bathing after exposure results in a rapid decrease in dermal absorption of pesticides. Therefore, since the percent of pesticide dermally absorbed is partially a function of time the actual absorption of the pesticide may be much less than the indicated dermal exposure if the applicator washes after application.<sup>51</sup> Accordingly, an acute dermal  $LD_{50}$  criterion of 16 g/kg/day has been selected; it takes into account an approximate safety factor of three.

A safety factor of 3 is justified by the following considerations: (a) the safety factor is applied to the high range of exposure values measured in actual field studies; (b) accident data can be utilized to supplement numerical criteria to identify pesticides whose use should be restricted. However, a safety factor lower than 3 would not be appropriate since measurements of actual exposure in the field indicate that toxic doses may be approached under conditions of widespread and commonly recognized practice of use.

For reasons stated above, this criterion is applied only to pesticides used in nondomestic situations. Although domestic indoor applications at times may involve intense exposures, this fact is more than offset by the short periods of indoor exposure normally experienced by non-professional applicators. The dermal and inhalation toxicity criteria of the Toxicity Categorization Scheme are sufficient to protect unskilled persons exposed indoors against acute effects of pesticides in Categories III or IV.

(iii) Hazards to terrestrial wildlife. The principal hazard to terrestrial wildlife occurs from contamination of their food with pesticides. To afford a measure of protection for mammalian species, pesticides intended for outdoor use which result in residues exceeding one-fifth of

<sup>51</sup> Durham, E. F. Wolfe, H.R., and Elliot, J. W. *Absorption and Excretion of Parathion by Spraymen*, 24 ARCH. ENVIRON. HEALTH, 381 (1972).



the acute oral LD<sub>50</sub> will be candidates for restricted use. The Agency realizes that certain situations exist in which the subacute dietary LC<sub>50</sub> may be a more appropriate standard of mammalian toxicity. However, given the difficulties in obtaining such data for meaningful mammalian indicator species the criterion employs the more readily obtainable acute oral LD<sub>50</sub>. Acceptable protocols for obtaining subacute dietary LC<sub>50</sub> data are available, however, to represent toxicity<sup>52</sup> to avian species. Accordingly, pesticides intended for outdoor use which result in residues exceeding one-fifth of the subacute dietary LC<sub>50</sub> will also be candidates for restricted use. The criteria also specify that the residues are to be computed immediately after application, the time of maximum residues. Since these residues may degrade over time, an additional safety factor is thereby incorporated.

The choice of a slightly higher safety factor for aquatic wildlife than for terrestrial wildlife is based on the fact that birds and mammals, unlike aquatic wildlife, have the ability to at least partially limit their exposure to pesticides by moving out of treated areas or by switching to alternative foods; moreover, some animals cease feeding when they start to experience toxic symptoms.

(iv) *Hazards to aquatic organisms.* The principle hazard to aquatic organisms occurs when pesticides are applied directly to shallow water, especially when applied by unskilled persons in contravention of label directions for use and precautionary statements. A measure of the likely exposure is the average concentration of the pesticide when applied to a water body 6 inches deep. A safety factor of 5 would provide an adequate margin of safety for all but the most sensitive species; an additional factor of 2 is applied since unlike terrestrial wildlife, aquatic organisms, have no means of escaping from the toxicant. Accordingly, pesticides intended for outdoor use which result in concentrations in shallow water exceeding  $\frac{1}{10}$  the acute LC<sub>50</sub> for species likely to be exposed will be candidates for restricted use.

4. *Numerical Criteria for Rebuttable Presumption Against Registration or Reregistration.* Besides deriving acute toxicity criteria for initially determining whether a pesticide should be classified for restricted or general use, acute toxicity criteria have also been derived for initially determining whether a pesticide should be registered or denied initial or continued registration. The same considerations of estimated exposure discussed above have been applied in deriving these criteria; however, estimates of exposure are based on the assumption that such highly toxic pesticides will be classified for restricted use and therefore be limited to use by skilled, competent applicators.

<sup>52</sup> If a pesticide causes significant chronic toxic effects on wildlife species or on man, it is subject to classification for restricted use under another criterion.

(1) *Acute Oral Toxicity.* No acute oral toxicity criterion is included for determining a rebuttable presumption against registration. Such a criterion was included in the proposed regulation [§ 162.11(b)(2)(i)(D)] and was the subject of a number of comments. The Agency has concluded that trained, competent applicators will be able to minimize the hazards to children by adhering to general safety procedures and specific label directions for use. If based upon the use and accident history data of the product, or similar products, the Administrator determines that even when used by trained applicators the pesticide causes or will cause unreasonable adverse effects on man or the environment, the pesticide will be denied registration or cancelled in accordance with § 162.11(a)(6) of these regulations.

(2) *Dermal Toxicity Criteria.* All pesticides in Toxicity Category I will be candidates for restricted use classification and unless it is shown that the risk from use of the pesticide is not as great as indicated by this criteria for risk, use of the pesticide will be restricted to certified applicators. Yet as the literature cited above indicates, even skilled applicators may receive potentially lethal exposure to the highly concentrated and toxic formulated pesticide and to the use-diluted pesticide. Accordingly, acute dermal toxicity criteria for both the formulated and use-diluted pesticide are included to determine if there is a rebuttable presumption against initial or continued registration. For the formulated product, a criterion of an acute dermal LC<sub>50</sub> of 40 mg/kg or less has been selected. Products meeting this criterion have an LD<sub>50</sub> that is  $\frac{1}{5}$ th that of the LD<sub>50</sub> of the non-domestic use pesticides, and  $\frac{1}{25}$ th that of the LD<sub>50</sub> of the domestic use pesticide initially classified for restricted use because of dermal toxicity. Clearly, the margin of safe exposure for such pesticides is extremely small and such pesticides must receive particular scrutiny before the Administrator can determine that the pesticide will not generally cause unreasonable adverse effects.<sup>53</sup>

An acute dermal LC<sub>50</sub> of 6/g/kg criterion for the use-dilution of pesticides formulated as a mist or spray, has been selected to give rise to a rebuttable presumption against registration based upon the results of the Wolfe, *et al.*, exposure studies discussed above which indicated the anticipated dermal exposure to skilled applicators. These studies show that even a skilled applicator can experience up to 6 g/kg/day of exposure to the use diluted product. For the same

<sup>53</sup> The United States Department of Transportation and the United Nations also have developed numerical acute toxicity criteria to determine "extremely toxic" material. The Department of Transportation specifies as extremely toxic, material with an acute dermal LD<sub>50</sub> of 20 mg/kg or less, which closely approximates the Agency's criteria of 40 mg/kg. The United Nations has established a criterion identical to the Agency's to indicate especially toxic pesticides.

reasons discussed above in the explanation of the dermal classification criterion, this criterion incorporates a safety factor of 3.

(3) *Inhalation Toxicity Criterion.* An inhalation toxicity criterion of an LC<sub>50</sub> of 0.40 mg/l or less has been selected to give rise to a rebuttable presumption against registration. Pesticides meeting this criterion have an LC<sub>50</sub> that is  $\frac{1}{5}$ th the LC<sub>50</sub> of the non-domestic use pesticides which are candidates for restricted use because of inhalation toxicity.

(4) *Wildlife Toxicity Criteria.* Based upon the considerations discussed in the determination of classification criteria, the following criteria have been selected to safeguard wildlife by giving rise to a rebuttable presumption against registration:

If a pesticide's ingredient(s), metabolite(s), or degradation product(s):

(1) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the acute oral LD<sub>50</sub> measured in mammalian test animals as specified in the Registration Guidelines.

(2) Occurs as a residue immediately following application in or on avian feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species at levels equal to or greater than the subacute dietary LC<sub>50</sub> measured in avian test animals as specified in the Registration Guidelines.

(3) Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than  $\frac{1}{2}$  the acute LC<sub>50</sub> for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines.

Pesticides which meet the criteria for avian and mammalian feed residues would cause an estimated 50% mortality among exposed populations; pesticides which meet the criteria for the protection of aquatic organisms would cause an estimated 15-20% mortality among exposed populations. Pesticides which will result in such toxic levels and severe mortality rates on exposed wildlife populations obviously must be closely scrutinized before registration is approved and used under stringent restrictions.

D. *Chronic Toxicity Criteria.* In addition to the acute effects from a single exposure to pesticides, a determination of "unreasonable adverse effects on the environment" must include an analysis of any chronic effects which may result from exposure to a pesticide. Accordingly, criteria for determining chronic effects for registration and classification are set forth in §§ 162.11(a) and 162.11(c). Several commenters questioned the inclusion of these criteria in the proposed regulation and their individual basis for selection. Therefore, each of the criteria contained in the final regulation and their basis are set forth below including discussion of any modifications to the criteria contained in the proposed regulation.



1. *Screening Criteria for Classification.* The chronic effects criteria which indicate as an initial matter that the pesticide will be classified for restricted use are qualitative in nature. Chronic toxicity effects cannot easily be evaluated on a comparative quantitative scale, as can the acute toxicity LD<sub>50</sub> and LC<sub>50</sub> values. Chronic effects by definition are those caused by repeated and prolonged exposure. The chronic hazard of a pesticide is, moreover, a function of its chemical and environmental characteristics such as persistence, mobility, and potential for biomagnification in food chains, and bioaccumulation in human tissue. Humans and other organisms will generally be exposed to pesticides which are highly persistent, mobile and bioaccumulative. The major issue regarding pesticides with these properties is whether the pesticide should be registered. Classification of a pesticide use as restricted in all likelihood will not reduce the threat of exposure to large populations. Accordingly, while § 162.11(c) authorizes the classification decision to be based on an evaluation of chronic toxicity effects, such pesticides will be classified as restricted use only where restriction of use to a certified applicator could be anticipated to limit the exposure or where a regulation could be promulgated pursuant to § 162.11(c) (5) with restrictions to control the exposure.

2. *Screening Criteria for Rebuttable Presumption.* Section 162.11(a) (3) (ii) sets forth three basic risk criteria for the determination of chronic effects which if met or exceeded by "a pesticide's ingredient(s), metabolite(s), or degradation product(s)," give rise to a rebuttable presumption against registration or continued registration. Section 162.11(a) (3) (ii) (A) provides that such a presumption shall arise for any pesticide which induces "oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure; or induces mutagenic effects, as determined by multitest evidence." With respect to oncogenic effects, this criterion incorporates the policy and principles established in the DDT cancellation proceeding and the Aldrin/Dieldrin suspension proceeding.

Positive oncogenic effects in man would obviously trigger very serious scrutiny. However, as noted above, such results are rarely available because of the long latency period of tumor induction, because of frequently encountered widespread contamination which makes it impossible to establish an uncontaminated control group and because of the ethical and legal problems associated with conducting cancer research on humans.<sup>54</sup> Because of the difficulties of ob-

taining reliable human cancer data, the oncogenic criterion refers to positive oncogenic effects in man or "in experimental mammalian species." The use of animal test data to evaluate human cancer risks has been widely accepted by the scientific community and by public policy-making agencies. Moreover, such data are particularly appropriate because the relatively short life span of test animals allows for testing for the entire latency period and because of our relatively well-developed understanding of the pathological development of tumors in mice and rats. When compared to the millions of people who may be exposed to the pesticide, the number of animals used in oncogenic tests is extremely small. As in the case of acute toxicity testing, the variability of human response to carcinogens is generally greater than that of the test animals. Accordingly, as noted above, a positive oncogenic effect in any test animal is sufficient to characterize the pesticide as posing a cancer risk to man. By the same reasoning, negative results from oncogenic animal tests have only limited significance and thus should normally be superseded by positive results. The number and sensitivity of the test animals as compared to the general human population are the principal reasons for this limited utility.<sup>55</sup>

The Administrator in his Aldrin/Dieldrin suspension order also specifically concluded that because of these inherent limitations of animal testing "a substance that will induce cancer in experimental animals at any dose level, no matter how high or low, should be treated with great caution."<sup>56</sup> The Court of Appeals unanimously affirmed this finding. As noted above, negative results are of limited value and although a no-effect level may theoretically exist, it is frequently impossible to establish with sufficient confidence to justify sanctioning widespread human exposure.<sup>57</sup>

<sup>54</sup> See generally, Consolidated DDT Hearings, Opinion and Order of the Administrator; 37 FR at 13371; Shell Chemical Company, *et al.* Findings of Fact and Conclusions, 39 FR at 37252, 37254; Shell Chemical Company, *et al.* Opinion of the Administrator, 39 FR at 37269-70; *EDF v. EPA*, 510 F. 2d at 1299; Statement of Reasons and Supplemental Statement of Reasons for Denial—State of Louisiana Request for Emergency Use of DDT on Cotton, 40 FR at 15940, 15950.

<sup>55</sup> Administrator's Aldrin/Dieldrin Findings, 39 FR at 37268.

<sup>57</sup> This view was mirrored in the recently published "Report of the Committee for Working Conference on Principles of Protocols for Evaluating Chemicals in the Environment." "[The term no-effect level] is statistically meaningless and therefore of limited value since it merely means that no effect was observed in studies using a group of animals of particular size. Such an observation is completely compatible with the presence of an adverse effect, which in further studies with larger sample sizes or with different types of observation might lead to a positive outcome." Environmental Studies Board National Academy of Engineering and Committee on Toxicology, National Research Council, *Principles for Evaluating Chemicals in the Environment*, (1975).

Moreover as an additional outgrowth of the Aldrin/Dieldrin proceedings and as explained previously in the discussion of § 162.3(bb), the term "oncogenic" is used in the regulations because the Administrator had determined that the distinction between "benign" and "malignant" tumors is not meaningful in determining the hazard of cancer to man on the basis of tests conducted on a laboratory species, given the "increasing evidence that many tumors can develop into cancers." He has determined that "for purposes of carcinogenicity testing, they should be considered synonymous."<sup>58</sup>

In making the determination that the rebuttable presumption is activated because of a finding of chronic effects, the Agency will take into consideration the type of effect, the statistical significance of the findings and whether the tests were conducted in accordance with the material requirements for valid tests as recognized by experts in the field. Where testing produces positive chronic effects but such effects are not statistically significant or such tests were not conducted in accordance with the material requirements for valid tests as recognized by experts in the field, additional statistical analysis, histological or other pathological review, or testing may be required even though the rebuttable presumption may not have been triggered by the initial test results.

While neither the DDT cancellation proceeding nor the Aldrin/Dieldrin suspension proceeding considered the hazards to man from exposure to mutagenic substances, governmental agencies and scientific groups which are currently weighing the hazards of introducing potentially mutagenic substances into the environment stress the inherent risk to man.<sup>59</sup> Furthermore, on the basis of tests on microbial systems, there is increasing evidence indicating a correlation between carcinogenesis and mutagenesis.<sup>60</sup> At this time without additional corroborative evidence, however, there is no single animal test protocol which has been demonstrated as a sufficiently reliable indicator of a substance's mutagenic hazard to man to give rise to a rebuttable presumption against registration or continued registration. Therefore, the mutagenic criterion requires a showing of positive results in more than one test system before regulatory action, other than requiring additional testing, can be justified. The Guidelines for registering pesticides set forth the conditions under which mutagenic testing is required and the Appendix to the Guidelines sets forth acceptable test protocols.

It is not the policy of EPA to ban all pesticides which produce oncogenic or

<sup>58</sup> Administrator's Aldrin/Dieldrin Findings, 39 FR at 37267 (October 18, 1974); *EDF v. EPA*, 510 F. 2d at 1300 (D.C. Cir. 1975).

<sup>59</sup> *Principles for Evaluating Chemicals in the Environment*, *supra*; *The Testing of Chemicals for Carcinogenicity, Mutagenicity, Teratogenicity*, published by the Minister of Health and Welfare, Canada (September, 1973); and *Environmental Mutagenic Hazards*, 187 SCIENCE 503 (1975).

<sup>60</sup> *Principles*, *supra*, at 147.



mutagenic effects. Rather, the cost of control, the levels of exposure, and the benefits of use must also be taken in account in any final regulatory decision. This Section 162.11 establishes a framework for arriving at these decisions with a full opportunity for the public and other interested parties to participate.

The second criterion for chronic effects set forth in § 162.11(a) (3) (ii) (B) provides that a rebuttable presumption shall arise if a substance "produces any other chronic or delayed toxic effect in test animals, at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." The dosage to be tested will be specified in the Registration Guidelines. In determining the levels at which positive test results will give rise to a rebuttable presumption the Administrator must take into account ample margins of safety and evaluate among other things: the statistical reliability of the test data, the degree of varying sensitivity estimated for exposed populations, and the nature of the chronic effect produced. Chemicals have been found to produce deleterious effects after prolonged and repeated exposure to many organs and functions of the body including the lungs, central nervous system, hematopoietic system, metabolism, kidneys, reproductive systems and others. Therefore, if adverse effects of such a nature will be produced by exposure to a pesticide at any level up to a level exceeding possible human exposure taking into account ample margins of safety, it is appropriate that the regulations provide a rebuttable presumption against registration or continued registration of the pesticide. The pesticide's potential for producing such effects is determined from studies required pursuant to § 162.8 of these regulations, the Guidelines, and the Appendix to the Guidelines, or other test evidence available to the Agency.

The proposed regulation also provided that a presumption against registration would arise if evidence of teratogenic potential was found, irrespective of level of exposure in test animals. However, the Agency has determined with respect to teratogenic effects, that the dose at which the effect was observed in experimental animals and the dose to which humans may be exposed must be considered before a rebuttable presumption against registration arises. Therefore, evaluation for teratogenic effect is incorporated in the criterion at § 162.11(a) (3) (ii) (B).

The final criterion set forth in § 162.11(a) (3) (ii) (C) establishes a criterion to protect against significant reductions in local, regional, or national populations of non-target organisms or fatality to members of endangered species. In the DDT cancellation decision, the Administrator found that DDT can reasonably be anticipated to result in such chronic effects on non-target organisms and included

that finding as a major basis for cancellation.

E. *Emergency Treatment.* Section 2(q) (2) (D) (iii) of the Act provides that any pesticide which is "highly toxic to man" is misbranded unless the label bears "a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide."<sup>61</sup> Accordingly, where there is no practical treatment in the case of poisoning by the pesticide, a rebuttable presumption against registration or continued registration shall arise. In such an instance, there would be a serious question as to the legality of registering the product.

The language of the criterion of § 162.11(a) (3) (iii) has been modified to clarify that an emergency treatment statement is only required for treatment of acute poisonings from a single exposure.

F. *Rebuttal of Screening Criteria for Use Classification and Presumption Against Registration.* As is discussed above, the criteria set forth in §§ 162.11(a) (3) and 162.11(c) (1) and (2) are intended as screening mechanisms to determine as an initial matter which pesticides are subject to a presumption against registration and which pesticides are candidates for restricted use classification respectively.

The final decision regarding the registrability of a product and its use classification is made only after consideration of the risks and benefits of use of the pesticide as proposed to be registered. The criteria of these sections are indicators of potential hazard. The applicant or registrant, as the case may be, may establish to the Agency's satisfaction that the hazard anticipated by the acute or chronic screening criteria will not in fact occur. The regulations set forth the elements which the applicant or registrant must demonstrate to rebut the presumption of the screening criteria.

1. *Classification.* One of the decisions in determining whether an acutely toxic pesticide should be restricted to use by or under the direct supervision of certified applicators is whether label instructions standing alone will be adequate to prevent the hazards associated with use. Accordingly, the regulation at § 162.11(c) (3) sets forth the criteria that will be evaluated in determining the adequacy of the label and labeling to prevent unreasonable adverse effects on the environment. These criteria include an evaluation of: (1) the complexity of required operations or procedures and the need for specialized training or experience; (2) the safe margin of error associated with the use; (3) the "widespread

and commonly recognized"<sup>62</sup> use practice; (4) the need for "specialized apparatus, protective equipment or material" normally not available to the general public; and (5) the effect of failure to follow directions for use in causing delayed or chronic adverse effects. Furthermore, the use and accident history of a pesticide or a similar pesticide will bear on the evaluation and application of these criteria to the classification decision of a particular pesticide. These criteria were contained in the proposed regulations and have not been modified. They were selected as representing the factors that would determine the degree that an unskilled applicator could be expected to follow label directions for use and required safety procedures. They require a weighing of the complexity of use of a pesticide in accordance with label instructions, the likelihood that instructions commonly will be followed, and the adverse effects likely to result if the label instructions are not followed. Secondly, the applicant or registrant may submit data or arguments challenging the finding of the Agency that the criteria have been met or may be able to establish that the formulation, packaging or method of use of the product is such as to eliminate the hazardous route of exposure. For example, a pesticide which meets the criteria for restricted use classification on the basis of dermal risk may be marketed as a granular formulation rather than as a liquid formulation and thereby reduce the hazards of dermal exposure. So too, if the formulation of the pesticide is extremely toxic while its use dilution is not, the pesticide may be packaged as a "closed system" to prevent hazardous exposure during mixing. And fourthly, the applicant or registrant may demonstrate that the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. All these determinations are in accordance with the statutory mandate of section 3(d) of the Act, that the Administrator determine whether general use classification of the pesticide will cause "unreasonable adverse effects on the environment."

In addition to the screening criteria, § 162.11(c) (4) provides that "if the Agency determines that based on human toxicological data, use history, accident data, monitoring data, or such other evidence as the Administrator identifies, the product use(s) may pose a serious hazard to man or the environment, which can be prevented by classification for restricted use," the use will be classified restricted. Thus, although based on the screening criteria a pesticide would be a candidate for general use classification, it could be classified for restricted

<sup>61</sup> A registered pesticide which is misbranded is in violation of section 6(b) and must be cancelled; an application for a new registration must be denied pursuant to section 3(c) (5) and (6) if "its labeling and other material required to be submitted [do not] comply with the requirements of this Act."

<sup>62</sup> This language has been interpreted by the Eighth Circuit Court of Appeals to mean the uses and practices commonly followed which are not approved on the label and labeling. *Southern National Manufacturing Co. Inc. v. Environmental Protection Agency*, 470 F. 2d 194 (1972).



use on the basis of other evidence available to the Administrator.

Finally, as part of the classification determination, § 162.11(c)(5) provides that any product use classified for restricted use and limited to application by or under the direct supervision of a certified applicator may "additionally or alternatively" have other restrictions imposed by regulation. A commenter argued that the "other restrictions" authorized by section 3(d)(1)(C)(ii) of the Act and provided for by this Section of the regulations can be imposed only in lieu of, not in addition to, a certified applicator restriction. However, such an interpretation conflicts with the legislative history of this provision. "Section 3(d)(1)(C)(ii) establishes a system to assure a full and fair consideration of alternative or additional restrictions which the Administrator may wish to impose." Senate Agriculture Committee Report, at 21. The restrictions cited in the regulation are intended merely as examples of the type of restrictions which may be imposed under this authority.

**2. Presumption Against Registration or Continued Registration.** As explained above, a rebuttable presumption arises against registration or continued registration of any pesticide which meets or exceeds the criteria for risk of § 162.11(a)(3). When the presumption arises, the party seeking new or continued registration may rebut the presumption by sustaining an affirmative burden of proof specified in the regulations. In response to comments, the Agency has elaborated on how the rebuttable presumption will be applied. Accordingly, § 162.11 has been modified to specify the procedures, methods and criteria for rebuttal of a presumption against registration or continued registration.

The regulations provide that upon a determination that a pesticide meets or exceeds the criteria for risk § 162.11(a)(3), the Administrator shall issue notice to the applicant or registrant of the pesticide of this determination and state that the applicant or registrant has the opportunity to submit evidence in rebuttal of the presumption in accordance with the provisions of § 162.11(a)(4). The Agency will consider comments received from all interested parties regarding rebuttal of the presumption against registration. The burden of proof, however, rests with the applicant or registrant of the pesticide product, as the case may be. Section 162.11(a)(4) provides that "the party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(i) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (3)(i), or (iii), that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to

result in any significant acute adverse effects; or

(ii) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (3)(ii), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects."

(iii) That the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error.

These provisions for rebuttal of a presumption against registration permit submission and consideration of evidence to show that the levels of exposure necessary to cause an identified acute, sub-acute or chronic effect will not result from use of the pesticide. As in the case of rebuttal of the initial determination that a pesticide use should be classified for restricted use, it may be possible to show that the initial determination of the Agency that the pesticide met or exceeded the criteria for risk was in error or that the formulation, packaging, method of use, directions for use, or label and labeling are adequate to prevent the hazards from use of the pesticide. In the case of the pending reregistration of a pesticide product, in particular, evidence as to the use and accident history of the pesticide, or a similar pesticide, will be carefully considered in the evaluation of acute risk. In addition, in the case of a presumption against registration on the basis of chronic toxicity, it may be shown, for example, that the chemical characteristics of the pesticide are such that it has a very short half-life and that exposure will not occur or that the pesticide is not mobile in the environment and will not concentrate and bioaccumulate in man or other organisms. With respect to a pesticide which meets the criteria for risk set forth in paragraph (a)(3)(ii)(A) (oncogenic or mutagenic effects), the presumption may be rebutted by showing that use of the pesticide will not result in residues of the pesticide's ingredient(s), metabolite(s) or degradation product(s) in man, in food or in media other than food to which significant portions of the human population are exposed. This is in keeping with the principle established by the Administrator and affirmed in court decisions that it is virtually impossible to establish a no effect level for oncogenic compounds. The Agency has determined that similar reasoning applies to mutagens. Similarly, the rebuttal opportunity is not intended to permit rebuttal of the presumption when triggered by oncogenic or mutagenic effects solely because of a negative response in test animals at a different or lower dose level or through evidence that a tolerance has been established for the pesticide's ingredient(s), metabolite(s) or degradation product(s). In the case of either acute or chronic hazard, moreover, it may be shown that the risks from use of the pesticide can be minimized and brought

within acceptable limits by restrictions on use, as for example, restriction to use by or under the direct supervision of a certified applicator or in accordance with any other regulatory restrictions imposed pursuant to section 3(d)(1)(C)(ii) of the Act. In summary, the rebuttal considerations take into account the individual characteristics of the pesticide and evaluate the potential hazard after consideration of the likelihood that exposure will result from use of the pesticide as proposed to be registered.

If the Administrator determines that the presumption against registration has been rebutted, in accordance with § 162.11(a)(4), and that the pesticide otherwise complies with the requirements of the Act and these regulations, he shall register the pesticide or continue any registration already in effect. In the case of an application for registration for which notice of approval is published, pursuant to § 162.7(d)(2) of the regulations, such notice shall state the Administrator's determination and supporting findings that the presumption has been rebutted.

If an applicant or registrant fails to rebut the presumption, the regulations provide that a notice initiating final determination of cancellation or denial of registration must issue. This is in accordance with the court decisions and statutory requirements which provide, as discussed above, that the notice must issue where a substantial question of safety is determined to exist. Failure to rebut the presumption establishes that such a substantial question exists.

Although a formal notice must issue following the determination that the presumption has not been rebutted, the statute provides some flexibility in the type of notice to be issued. For instance, under Section 6, the Administrator may issue a notice of intent to cancel registration pursuant to section 6(b)(1), and the registrant is entitled to request a formal adjudicatory hearing following receipt of the notice. Or pursuant to section 6(b)(2), he may issue a notice of intent to hold a hearing "to determine whether or not [the pesticide's] registration should be cancelled \* \* \*." The legislative history makes it clear that the purpose for including the section 6(b)(2) notice procedure was to permit "the Administrator to initiate formal review without placing a stigma on a product when he is not convinced that the registration should be cancelled." Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong. 2d Sess. 12-13 (1972).

Where a substantial question of safety exists with respect to a pesticide, the only circumstance in which the Administrator may not be convinced that cancellation should occur is where he may have reason to believe the benefits outweigh the established risks. Accordingly, the regulations provide that in determining whether to issue a notice of intent to cancel (section 6(b)(1)) or a notice of intent to hold a hearing (section 6(b)(2)), the Administrator may



take into account a preliminary staff recommendation as to the balance of risks and benefits. Based on a recommendation that benefits appear to outweigh the risk, the Administrator may decide to issue a section 6(b)(2) notice and thereby initiate a formal adjudicatory hearing where the benefit/risk balance could be fully considered in the public forum for purposes of making a final determination as to cancellation, without any stigma which may be associated with a section 6(b)(1) hearing. In order to aid in the preliminary staff recommendation as to benefits, the regulations permit the registrant to submit evidence as to benefits at the same time as he undertakes to rebut the presumption against continued registration under the specified risk criteria.

Similarly, with respect to denials of registration, the regulations provide for issuance of a notice of denial pursuant to section 3(c)(6), upon the determination that the applicant has failed to rebut the presumption as to risk. The applicant may then request a hearing which would correspond to the hearing under section 6(b)(1). Based on a preliminary staff recommendation that benefits appear to outweigh risks, the Administrator may decide, as provided in the regulations to issue a notice of intent to hold a formal adjudicatory hearing similar to a section 6(b)(2) proceeding. The authority for the regulations to provide for this corresponding section 6(b)(2) proceeding for denials of registrations rests on the general authority of sections 25(a), 21 and 6 of the Act.

The foregoing procedures preserve the requirements established by courts and the Act that weighing of risks and benefits may not interfere with initiation of the formal administrative process, where a substantial question of safety exists, and yet provides the flexibility necessary for informed, fair and open Agency decisions.

Finally, the regulations set forth the burden of proof and issues to be considered at a hearing. In addition to the issues relating to safety considered prior to issuance of the notice, the balance of risks and benefits is the third issue to be considered by the Administrative Law Judge in the hearing. In hearings following issuance of notice pursuant to sections 3(c)(6), and 6(b)(1), the burden of proof as to all issues rests squarely with the applicant or registrant, as the case may be. If the hearing is a section 6(b)(2) proceeding or the equivalent for denials of registration, the burden of proof as to risks rests with the applicant or registrant. The Agency will put into evidence the preliminary staff recommendations as to benefits, and all other evidence from the parties to the proceeding will be considered in arriving at a final determination as to whether benefits exceed risks.

The regulation provides for the withdrawal of the notice of intent to hold a hearing prior to the commencement of the hearing if the Administrator determines that there is "insufficient public interest in the proceeding to warrant

holding the hearing or that it would not otherwise serve the public welfare." As a general rule EPA plans to withdraw the notice if the preliminary staff recommendation or subsequent Agency investigation indicates that the benefits from use of the pesticide outweigh the risks and if there is no party willing to participate in the hearing who will argue against registration of the pesticide. EPA will follow this general rule so as not to misuse scarce Agency resources or subject registrants to the unnecessary expense of hearings in which all the parties agree that the pesticide should be registered.

With respect to the final risk/benefit determination under any of the foregoing procedures, the statute, the legislative history, and judicial interpretations recognize that the Administrator may find that the benefits of use outweigh the risks even where this risk is determined to pose a substantial question of safety. Moreover, in striking the balance, certain risks and certain benefits must be given more weight than others. As the court stated in *EDF v. Ruckelshaus*, *supra*:

The process is a delicate one in which greater weight should be accorded the value of a pesticide for the control of disease, and less weight should be accorded its value for the protection of a commercial crop. 439 F.2d at 594.

Section 162.14 *Forms of plant and Animal Life and Viruses declared to pests*. Section 25(c)(1) of the Act authorizes the Administrator to declare as a pest all forms of plant and animal life (other than man and other than bacteria, viruses and other microorganisms in or on living man or other living animals) which are injurious to man or the environment. In response to comment the language of § 162.14(b) has been modified to clarify those pests which come within the scope of amended FIFRA.

Section 162.15 *Devices Subject to the Act*. Section 25(c)(4) of the Act authorizes the Administrator to specify those devices which are subject to the provisions of paragraph 2(q)(1) or section 7 of the Act. The proposed regulations at § 162.3(ff)(1) and (4) had declared certain devices subject to the Act. For purposes of clarity and thoroughness, a new § 162.15 has been added to these regulations to specify in detail those devices which fall within the purview of amended FIFRA. The Agency realizes that certain instruments and contrivances are marketed in conjunction with a pesticide; in these cases such products will be considered as pesticides rather than as devices. Devices deemed to be subject to the Act include, but are not limited to, instruments for the purpose of trapping, destroying, repelling or otherwise mitigating any form of plant or animal life and viruses declared to be pests at § 162.14, except those instruments which the Administrator determines either (1) to be adequately regulated by another Federal Agency, or (2) to be of a character which is unnecessary

to be subject to this Act in order to carry out the purposes of this Act.

Instruments of a character unnecessary to be subject to this Act include (1) those which depend for their effectiveness more upon the performance of the person using the device than on the performance of the device itself, and (2) those which operate to entrap vertebrate animals. Products generally falling within these two categories include rat and mouse traps, fly swatters, tillage equipment for weed control and fish traps.

Instruments declared to be devices subject to § 2(q)(1) and section 7 of this Act include but are not limited to: (A) certain ultraviolet light systems, ozone generators, water filters and air filters (except those containing substances or mixtures of substances which are pesticides), and ultrasonic devices, for which claims are made to kill, inactivate, entrap, or suppress the growth of fungi, bacteria, or viruses in various sites; (B) certain high frequency sound generators, carbide cannons, foils, and rotating devices, for which claims are made to repel birds; (C) black light traps, fly traps, electronic and heat screens, fly ribbons, and fly paper, for which claims are made to kill or entrap certain insects; and (D) mole thumpers, sound repellents, foils, and rotating devices, for which claims are made to repel certain mammals. The Administrator will designate such provisions of paragraph 2(q)(1) and section 7 of the Act to be applicable to devices as he finds necessary to effectuate the purposes of the Act.

Section 162.17 [§ 162.16] *Registration Requirement for Intrastate Products*. This section of the regulations has been rewritten to clarify the language and incorporate much of the enforcement policy that appeared in the preamble of the regulations as proposed. The applicant for registration must comply with the data requirements for new registration provided however that the requirement for efficacy data may be waived on the basis of the recommendation of a State agricultural experimental Station or other Federal or State agency authorized by law to conduct pesticide research. In addition, the Administrator may initiate the waiver of other data requirements, in accordance with the standard of § 162.8(a)(3), in his notice to the applicant to submit a full application for federal registration. To ease the transition from State to Federal registration, these applications will be handled in a group of like products rather than as individual products. If the applicant complies with the procedures of this section, pending the final registration decision, either approving or denying the registration application, he may continue to sell or distribute the product solely within intrastate commerce subject to the requirements of paragraph (f) of this section. This policy is in accordance with section 3(c)(2) of the Act.

Section 162.21 [§ 162.15] *Rules concerning certain pesticides*. This section is intended as an open-ended section to include regulations the Agency promul-



gates in the future affecting registration or classification of specific pesticides, including any other regulatory restrictions imposed pursuant to section 3(d) (1) (C) (ii) of the Act.

(1) [Section 162.21(a)] *Labeling of phosphorous paste products.* This section as proposed, provided that pesticide products containing phosphorous paste would be denied registration for use in, on, or around the home. The section has been deleted from these final regulations. Pesticide products containing phosphorous paste will be reviewed in accordance with all the provisions of these regulations.

(2) Section 162.21(a) [§ 162.15(b)] *Requirement of separate registration.* (a) Several commenters asked that the provision at § 162.21(a) (1) regarding separate registrations for certain fertilizer-pesticide combinations be extended alternatively either to include all registration requirements or to encompass all fertilizer-pesticide combinations. Neither of these suggestions is acceptable. Whether separate registration of a fertilizer-pesticide combination is necessary to carry out the purposes of the Act must be determined on a case by case basis. Within the discretion of the Administrator, if the percentage of fertilizer components vary and the application rate of the pesticide remains constant, the fertilizer-pesticide combinations may be registered as a single product, provided that the range proposed would not require modification in the labeling. The intent of this Section is to lessen the administrative burden on the Agency and the registrant, where feasible.

An additional publication dealing with the registration requirements for custom blending of pesticides will be forthcoming shortly.

(b) A commenter asked that the provision of § 162.21(a) (2), permitting pigment substitution in paints without additional registration in certain instances, be extended to encompass pigment substitution in other pigment-pesticide mixtures. The Agency currently permits such pigment substitution for other products, as for example, flea collars and shelf paper, where it is determined that pigment may safely be substituted without affecting the efficacy of the product or increasing any hazard posed by the product. A new § 162.21(a) (3) has been included to clarify this policy. As with paints, the specific formulation must be submitted to the Agency and colors may be specified as additional brand names.

(3) Section 162.21(b) *Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products.* On August 23, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 22636) a proposed Statement of Policy with respect to claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides pursuant to the authority of sections 3 and 25(a) of FIFRA, as amended. No final statement

of policy has as yet been published in the FEDERAL REGISTER. The Agency feels that these regulations are a more appropriate place of delineating the permissible claims for residual bacteriostatic and/or self-sanitizing activity in the labeling of pesticide products. Accordingly, a new paragraph (b) has been added to § 162.21.

The proposed Statement of Policy of August 23, 1973, invited interested persons to submit written data, views or arguments. All of the written comments received were referred to the Agency's Antimicrobial Program Advisory Committee. The Advisory Committee is comprised of four representatives of the pesticide industry, four representatives of the Department of Health, Education, and Welfare, one liaison representative from the Federal Trade Commission, and three representatives and Executive Secretary from the Environmental Protection Agency. Oral views were presented to the Committee by several persons during the meetings. All written comments are on file with the Agency. Section 162.21(b) was drafted in direct response to and after consideration of all the comments received.

Section 162.21(b) provides that label claims for residual bacteriostatic and/or self-sanitizing activity will be permitted only when supported by adequate test data developed by a method which simulates the in-use situation of the product. Residual claims will be restricted to the labels of those products which will, under normal conditions of use, be exposed to conditions which are ideal for bacterial growth and activation of the residual chemical. Therefore, residual claims will not be permitted for dry treated surfaces which are likely to remain dry under normal conditions of use.

The Statement of Policy as proposed would have required registrants to comply with its provisions within 180 days of final promulgation. Several commenters argued that this requirement was unreasonable and proposed a period of 18 to 24 months. The Agency agrees that 180 days is an insufficient amount of time and will allow up to 18 months from the effective date of these regulations for compliance with § 162.21(b). In accordance with § 162.6(b) (5) (ii), if a pesticide product otherwise satisfies the requirements of these regulations and the Act, the Administrator may classify and re-register the pesticide for a reasonable period of time, pending completion of the required long term testing.

Section 162.22 *Petitions to Amend.* Several commenters argued that they have not been able to make full comment on the effect of these regulations because they were not given the opportunity to submit formal comment on the Registration Guidelines and the regulations simultaneously. EPA believes that the regulations and guidelines can be reviewed independently. Moreover, drafts of the Guidelines have been circulated among all interested parties over the past several years, including as re-

cently as during the comment period for these regulations. Industry and environmental groups have had ample opportunity to comment on each draft of the Guidelines. The proposed Guidelines which were recently published for formal comment in the FEDERAL REGISTER are substantially the same as the last drafts which were circulated to the public.

Nevertheless in the interest of full public participation in these regulations, EPA will receive comment on those provisions of the regulations which directly relate to the Guidelines, during the Guidelines comment period. Any such comments received will be treated as petitions to amend these regulations and should fully set forth the reasons for the proposed modification and the proposed modification itself. These regulations as now published are final and will be of full force and effect 30 days after publication in the FEDERAL REGISTER. Petitions to amend these regulations will be considered as soon as possible and will not delay the effectiveness of these regulations.

#### PROCEDURES FOR REREGISTRATION

Prior to the effective date of these regulations, detailed procedures to be followed by applicants for reregistration of pesticide products shall be published in the FEDERAL REGISTER. This notice will address solicitation of applications for reregistration, the contents of the applications and the Agency's intended policy regarding applications for amended registration and reregistration of distributor products. Registrants are asked to await these detailed procedures before contacting the Agency regarding reregistration of a product.

*Effective date:* August 4, 1975.

*Dated:* June 26, 1975.

JOHN R. QUARLES,  
Acting Administrator.

Part 162, Chapter I, Title 40 of the Code of Federal Regulations is hereby amended and a new Subpart A is established. Sections 162.100-162.125 are revoked; § 162.18 is redesignated as § 162.21(c); § 162.20 is redesignated as § 162.21(d); § 162.21 is redesignated as § 162.21(e). 40 CFR Part 162 Subpart A shall read as follows:

#### Subpart A—Registration, Reregistration and Classification Procedures

Sec.	
162.1	Scope
162.2	Principal statutory provisions
162.3	Definitions
162.4	Status of products as pesticides
162.5	Pesticides required to be registered
162.6	Registration procedures
162.7	Disposition of applications
162.8	Data in support of registration and classification
162.9	Compensation for use of previously submitted data in support of registration [Reserved]
162.10	Labeling requirements
162.11	Criteria for determinations of unreasonable adverse effects
162.12	Guaranty of pesticide
162.13	Coloration and discoloration
162.14	Forms of plant and animal life and viruses declared to be pests



Sec.	
162.15	Devices subject to the Act
162.16	Pesticides requiring special packaging [Reserved]
162.17	Registration requirements for intrastate products
162.18	[Reserved]
162.19	[Reserved]
162.20	[Reserved]
162.21	Rules concerning certain pesticides
162.22	Petitions to amend
162.23	Effective date

**AUTHORITY:** Sections 3, 6, 19, 21, and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973).

#### § 162.1 Scope.

This part provides regulations for the registration, reregistration and classification of pesticides as required by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("the Act"). In addition to these regulations, the Administrator shall publish Registration Guidelines pursuant to section 3(c)(2) of the Act specifying the kinds of information and data which will be required to support the registration, reregistration and classification of a pesticide and shall periodically revise such guidelines.

#### § 162.2 Principal statutory provisions.

(a) *General.* The principal statutory provisions of the Act relevant to registration, reregistration and classification of pesticides, are listed below for the convenience of the reader. Because many of the provisions are paraphrased, the appropriate sections of the Act itself rather than this section should be referred to for specific questions of statutory interpretation. Definitive legal interpretation must necessarily be based on the statute itself and provisions of substantive regulations implementing the statute, together with any judicial interpretations thereof.

(b) *Registration Requirement.* Section 3(a) of the Act provides that, except as otherwise provided by the Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive, and (having so received) deliver or offer to deliver to any person any pesticide which is not registered with the Agency. This requirement applies to pesticides which are produced and distributed solely within a State as well as to those moving in interstate commerce.

(c) *Classification.* (1) Section 3(d) of the Act provides that, as part of the registration of a pesticide, the Administrator shall classify the pesticide for general or for restricted use, provided that if the Administrator determines that some of the uses for which the pesticide is registered should be general use and that other uses for which it is registered should be restricted use, he shall classify it for both general and restricted use. The Administrator will classify the pesticide or one or more of its uses, for general use if he determines that the pesticide, when applied in accordance with its directions for use, warnings and cau-

tions, or in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment. The Administrator will classify the pesticide or one or more of its uses, for restricted use if he determines that without additional regulatory restrictions the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with widespread and commonly recognized practice, may generally cause unreasonable adverse effects on the environment, including injury to the applicator. Such additional restrictions may include a requirement that the pesticide shall be applied only by or under the direct supervision of a certified applicator (see Section 4 of the Act and Part 171 of these regulations) or such other restrictions as may be provided by the Administrator by regulation.

(2) If the Administrator classifies a pesticide, or one or more of its uses for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide must be applied for such uses only by or under the direct supervision of a certified applicator.

(3) If the Administrator classifies a pesticide, or one or more of its uses for restricted use because of a determination that its use without additional regulatory restriction may generally cause unreasonable adverse effects on the environment, the products must be applied for such uses only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation.

(d) *Approval of registration.* Section 3(c)(5) provides that the Administrator shall register a pesticide if he determines that, when considered with any restriction imposed under section 3(d) concerning restricted use pesticides:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of the Act;

(3) It will perform its intended function without unreasonable adverse effects on the environment; and

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment.

(e) *Denial of registration.* Section 3(c)(6) of the Act provides that, if the Administrator determines that the requirements for registration have not been met, he shall notify the applicant of his determination and of his reasons (including the factual basis) therefor, and allow the applicant thirty days to make the necessary corrections. If the corrections are not made, the Administrator may refuse to register the pesticide. Upon publication of a notice of denial of registration, the applicant is accorded the same remedies with respect to an administrative hearing as are provided by Section 6 of the Act concerning cancellation and suspension.

(f) *Registration guidelines.* Section 3(c)(2) of the Act provides that the Administrator will publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. The guidelines are referred to in these regulations as the "Registration Guidelines."

(g) *Compensation for data.* Section 3(c)(1)(D) of the Act provides that data submitted in support of an application shall not, without the permission of the applicant, be considered by the Administrator in support of any other application for registration, unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied on, and such data is not protected from disclosure by section 10(b) of the Act. Section 3(c)(1)(D) provides for the resolution by the Administrator of disputes which may arise as to the amount and method of payment and for judicial review of that determination.

(h) *Protection of trade secrets and other information.* Section 10(a) of the Act provides that an applicant may mark and submit separately any data which in his opinion are trade secrets or commercial or financial information. Section 10(b) then provides that the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of the Act, information relating to formulas of products acquired by authorization of the Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator. Section 10(c) provides for a 30-day waiting period which shall apply if the Administrator proposes to release information which the applicant or registrant believes to be protected from disclosure under section 10(b). During this period, the applicant or registrant may institute an action for a declaratory judgment in the appropriate district court to determine whether such information is subject to protection under section 10(b).

(i) *Five-year cancellation.* Section 6(a)(1) of the Act provides that registrations shall be cancelled five years after the date of registration, unless the registrant requests the registration to be continued in effect. The Administrator has the authority to permit continued use and sale of existing stocks of a pesticide under specified conditions if he determines that such use or sale is not inconsistent with the purposes of the Act and will not have an unreasonable adverse effect on the environment.

(j) *Experimental use permits.* Section 5(a) of the Act provides that the Administrator may issue an experimental use permit if he determines that the applicant needs such a permit in order to accumulate information necessary to register a pesticide under section 3 of the Act. Regulations for the issuance of experimental use permits are set forth under Part 172 of these regulations.



(k) *Enforcement.* Sections 12, 13, and 14 of the Act provide generally for enforcement. Included among the provisions of these sections are the following:

(1) *Registration requirement.* Section 12(a)(1)(A) of the Act provides that it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered under Section 3 of the Act, except as provided in section 6(a)(1).

(2) *Misuse.* Section 12(a)(2)(G) provides that it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.

(3) *Requirements concerning restricted use pesticides.* Section 12(a)(2)(F) provides that it shall be unlawful to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder.

### § 162.3 Definitions.

Terms used in this part shall have the meanings set forth in the Act. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) The term "accident" means an unexpected, undesirable event that adversely affects man or the environment, and that is caused by the use or presence of a pesticide.

(b) The term "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92-516, 86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(c) The term "active ingredient" means—

(1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

(2) In the case of a plant regulator, an ingredient which, through physiological, biochemical action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

(3) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(d) The term "acute dermal LD<sub>50</sub>" means a single dermal dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(e) The term "acute LC<sub>50</sub>" means a concentration of a substance, expressed as parts per million parts of medium, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(f) The term "acute oral LD<sub>50</sub>" means

a single orally administered dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50 percent of the test population of animals under test conditions as specified in the Registration Guidelines.

(g) The term "Administrator" means the Administrator of the United States Environmental Protection Agency or any officer or employee of the Agency to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(h) The term "Agency" means the United States Environmental Protection Agency (EPA), unless otherwise specified.

(i) The term "applicant" means a person who applies for a registration pursuant to section 3 of the Act.

(j) The term "application of a pesticide" means the placement for effect of a pesticide at or on the site where the pest control or other response is desired.

(k) The term "changed use pattern" means a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

(l) The term "degradation product" means a substance resulting from the transformation of a pesticide by physicochemical, or biochemical means.

(m) The term "domestic application" means application of a pesticide directly to humans or pets, or application of a pesticide in, on or around all structures, vehicles or areas associated with the household or home life, patient care areas of health related institutions, or areas where children spend time including but not limited to:

(1) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, non-commercial campsites, home swimming pools and kennels;

(2) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above;

(3) Patient care areas of nursing homes, mental institutions, hospitals, and convalescent homes;

(4) Educational, lounging and recreational areas of preschools, nurseries and day camps.

(n) The term "drift" means movement of a pesticide during or immediately after application or use through air to a site other than the intended site of application or use.

(o) The term "efficacy" means the capacity of a pesticide product when used according to label directions to control, kill, or induce the desired action in the target pest.

(p) The term "final printed labeling" means the printed label and the labeling which will appear on or will accompany the pesticide product.

(q) The term "front panel" means that portion of the label of a pesticide product that is ordinarily visible to the purchaser under the usual conditions of display for sale.

(r) The term "hazard" means the likelihood that use of a pesticide would result in an adverse effect on man or the environment in a given situation.

(s) The term "immediate container" means that container which is directly in contact with the pesticide or device.

(t) The term "inert ingredients" means all ingredients which are not active ingredients as defined in § 162.3(c), and includes, but is not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; emulsifiers.

(u) The term "inhalation LC<sub>50</sub>" means a concentration of a substance, expressed as milligrams per liter of air or parts per million parts of air, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(v) The term "leach" means to undergo the process by which pesticides in the soil are moved into a lower layer of soil or are dissolved and carried through soil by water.

(w) The term "metabolite" means any substance produced in or by living organisms by biological processes and derived from a pesticide.

(x) The term "move laterally (in soils)" means to undergo transfer through soil generally in a horizontal plane from the original site of application or use by physical, chemical, or biological means.

(y) The term "mutagenic" means the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations.

(z) The term "no discernible adverse effect" means no adverse effect observable within the limitations and sensitivity specified in the Registration Guidelines.

(aa) The term "nontarget organisms" means those flora and fauna (including man) that are not intended to be controlled, injured, killed or detrimentally affected in any way by a pesticide.

(bb) The term "oncogenic" means the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formations in living animals.

(cc) The term "outdoor application" means any pesticide application or use that occurs outside enclosed man-made structures or the consequences of which extend beyond enclosed man-made structures, including, but not limited to, pulp and paper mill water treatments and industrial cooling water treatments.

(dd) The term "operated by the same producer" means (1) another registered



establishment owned by the registrant of the pesticide product or (2) another registered establishment operated under contract with the registrant of the pesticide either to package the pesticide product or to use the pesticide as a constituent part of another pesticide product, provided that the final pesticide product is registered by the transferor establishment.

(ee) The term "pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacterial organism or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c) (1) of the Act and § 162.14 as being injurious to health or environment.

(ff) The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

The term "pesticide" when not specifically modified or delimited by other words, shall include any one or combination of the following aspects of the term: the active ingredient (chemical or biological); the pesticide formulation; and the pesticide product.

The following are examples of classes of pesticides:

Amphibian and reptile poisons and repellents  
Antimicrobial agents  
Attractants  
Bird poisons and repellents  
Defoliants  
Desiccants  
Fish poisons and repellents  
Fungicides  
Herbicides  
Insecticides  
Invertebrate animal poisons and repellents  
Mammal poisons and repellents  
Nematicides  
Plant regulators  
Rodenticides  
Slimicides

(1) The term "amphibian and reptile poisons and repellents" includes all substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating amphibians and reptiles declared to be pests under Section 162.14 of this Part. Amphibian and reptile poisons and repellents include, but are not limited to:

(i) Substances or mixtures of substances intended for use in baits or sprays for killing or repelling snakes, frogs, or lizards; and

(ii) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of amphibian or reptile pests.

(2) The term "antimicrobial agents" includes all substances or mixtures of substances, except those defined as fungicides in paragraph (ff)(8) of this section, and slimicides in paragraph (ff)(16) of this section, intended for inhibiting the growth of, or destroying any bacteria, fungi pathogenic to man and

other animals, or viruses declared to be pests under § 162.14 and existing in any environment except those excluded in paragraph (ii) (below).

(i) Antimicrobial agents include, but are not limited to:

(A) Disinfectants intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects.

(B) Sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces, in water, or in air;

(C) Bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;

(D) Sterilizers intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces;

(E) Fungicides and fungistats intended to inhibit the growth of, or destroy fungi (including yeasts), pathogenic to man or other animals on inanimate surfaces; and

(F) Commodity preservatives and protectants intended to inhibit the growth of, or destroy bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints).

(ii) Antimicrobial agents do not include those antimicrobial substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 USC 301 *et seq*) such as:

(A) Substances or mixtures of substances intended to inhibit the growth of, inactivate or destroy fungi, bacteria, or viruses in or on living man or other animals; and

(B) Substances or mixtures of substances intended to inhibit the growth of, inactivate or destroy fungi, bacteria, or viruses in or on processed food, beverages, or pharmaceuticals including cosmetics.

(3) The term "attractants" includes all substances or mixtures of substances which, through their property of attracting certain animals, are intended to mitigate a population of, or destroy any vertebrate or invertebrate animals declared to be pests under § 162.14.

(i) Attractants include, but are not limited to: (A) Sensory stimulants (such as pheromones, synthetic attractants, and certain extracts from naturally-occurring organic materials) when used alone, or when in combination with toxicants that can kill certain vertebrate or invertebrate animals, that are intended to draw certain animals into traps or away from crops or sites; these sensory stimulants are considered to be active ingredients in pesticide products; and

(B) Naturally-occurring foods and certain extracts from such foods, when in combination with toxicants that can kill certain vertebrate or invertebrate animals, that are intended to draw certain animals into traps or away from crops or sites; these foods and extracts are considered to be inert ingredients in pesticide products.

(ii) Attractants do not include: (A) Substances or mixtures of substances intended to attract vertebrate or invertebrate animals for survey or detection purposes only; and

(B) Naturally-occurring foods, when used alone or separately and not marketed in mixtures with toxicants, for the purpose of attracting vertebrate or invertebrate animals.

(4) The term "bird poisons and repellents" includes all substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating birds declared to be pests under § 162.14. Bird poisons and repellents include, but are not limited to:

(i) Toxicants intended to kill or destroy certain birds;

(ii) Toxicants intended to cause, by pharmacological action, repelling of birds away from certain sites;

(iii) Sensory agents utilizing taste, sight, touch, or other means, intended to repel certain bird species or populations from certain sites, to reduce their predation of certain seed and crops, or to protect other organisms or objects from injury, soiling, or harassment; and

(iv) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of certain birds.

(5) The term "defoliants" includes all substances or mixtures of substances intended for causing leaves or foliage to drop from plants. Defoliants include, but are not limited to, harvest-aid agents intended for defoliating plants (such as cotton) to facilitate harvesting.

(6) The term "desiccants" includes all substances or mixtures of substances intended for artificially accelerating the drying of plant tissue. Desiccants include, but are not limited to, harvest-aid agents whose use is intended to cause sufficient foliage injury so as to result in accelerated drying and death (maturation) of certain crop plants, such as cotton and soybeans.

(7) The term "fish poisons and repellents" includes all substances or mixtures of substances intended for destroying, repelling, or mitigating fish declared to be pests under Section 162.14 of this Part. Fish poisons and repellents include, but are not limited to:

(i) Toxicants intended to kill fish in lakes, ponds, or streams;

(ii) Repellents intended to repel species dangerous to man or injurious to aquatic organisms which man wishes to protect; and

(iii) Sex influence agents intended to control sexual development of fish, such as to cause young to develop into all-female populations.

(8) The term "fungicides" includes all substances or mixtures of substances intended for preventing or inhibiting the growth of, or destroying any fungi declared to be pests under § 162.14, except those substances defined as slimicides in paragraph (ff)(16) of this section and those fungicides and fungistats defined as antimicrobial agents in paragraph (ff)(2)(i)(E) of this section and those antimicrobial substances or mixtures of



substances subject to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), as delineated in paragraph (ff) (2) (ii) of this section.

Fungicides include, but are not limited to:

(i) Seed, plant, and soil treatment materials intended to prevent, mitigate, or cure fungal, bacterial, or viral diseases of plants;

(ii) Substances intended for use in inhibiting the growth of fungi on inanimate surfaces, in water or in air, including those intended for control of mold and mildew on surfaces and inanimate objects.

(iii) Commodity preservatives and protectants intended for use in inhibiting the growth of, or destroying fungi (including yeasts) in or on raw materials (such as adhesives and plastics) used in manufacturing, in or on manufactured products (such as fuels, textiles, lubricants, and paints), or in or on containers and equipment (such as for storage and transportation of commodities);

(iv) Wood preservatives intended to prevent or inhibit growth of, or destroying organisms which cause staining, decay, or rotting of wood; and

(v) Fumigants and certain other fungicidal agents intended to destroy fungi in the air of enclosed spaces and/or in or on objects within such spaces.

(9) The term "herbicides" includes all substances or mixtures of substances, except defoliant as defined in paragraph (ff) (5) of this section, desiccants as defined in paragraph (ff) (6) of this section, plant regulators as defined in paragraph (ff) (14) of this section, and slimicides as defined in paragraph (ff) (16) of this section, intended for use in preventing or inhibiting the growth of, or killing or destroying plants and plant parts which are declared to be pests under § 162.14. Herbicides include, but are not limited to:

(i) Direct contact herbicides intended to kill or destroy weeds, unwanted brush and trees, or unwanted plant parts, or to mitigate their adverse effects on desirable plants;

(ii) Soil treatment herbicides intended to kill or destroy weeds, unwanted brush and trees, or unwanted plant parts, or to prevent the establishment of any or all plants;

(iii) Pre-emergence herbicides intended to prevent or inhibit the germination or growth of weed seeds or seedlings;

(iv) Root control herbicides intended to prevent the growth of, or kill roots in certain sites such as sewer lines and drainage tiles;

(v) Aquatic herbicides intended to prevent, inhibit, or control the growth of, or kill aquatic weeds;

(vi) Algaecides, except slimicides as defined in paragraph (ff) (16) of this Section, intended to prevent or inhibit the multiplication of, or destroy algae in ponds, swimming pools, aquaria or similar confined sites;

(vii) Debarking agents intended to kill

trees by treatment of bark on trunks; and

(viii) Biological weed-control agents such as specific pathogenic organisms or entities prepared and utilized by man.

(10) The term "insecticides" includes all substances or mixtures of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of, destroying or repelling any member of the Class Insecta or other allied Classes in the Phylum Arthropoda declared to be pests under § 162.14. Insecticides include, but are not limited to:

(i) Plant protection insecticides intended for use directly or indirectly against insects or allied organisms that attack or infest plants or plant parts, to prevent or mitigate their injury, debilitation, or destruction;

(ii) Animal protection insecticides intended for use directly or indirectly against insects or allied organisms that attack or infest man, other mammals, birds, or certain other animals, to prevent or mitigate their injury, irritation, harassment, or debilitation;

(iii) Premise and indoor insecticides intended for use directly or indirectly against insects or allied organisms to prevent or mitigate their decimation or contamination of man's stored food and animal feeds, injury to raw or manufactured goods, or weakening or destruction of buildings and building materials; and

(iv) Biological insect control agents such as specific pathogenic organisms or entities prepared and utilized by man.

(11) The term "invertebrate animal poisons and repellents" includes all substances or mixtures of substances intended for preventing the establishment of, destroying, repelling, or mitigating invertebrate animals declared to be pests under Section 162.14 of this Part, except those pesticides defined as insecticides in paragraph (ff) (10) of this section or nematocides in paragraph (ff) (13) of this section.

(i) Invertebrate animal poisons and repellents include, but are not limited to:

(A) Antifouling agents intended for use on boat and ship bottoms, pier and dock pilings, and similar submerged structures to prevent attachment or damage and destruction by marine invertebrates;

(B) Mollusk control agents intended to repel or destroy snails or slugs; and

(C) Protozoa control agents intended to destroy disease-inducing and/or parasitic protozoa in aquatic situations.

(ii) Invertebrate animal poisons and repellents do not include those substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), intended for use in controlling or killing parasitic invertebrates on or in living man or other animals.

(12) The term "mammal poisons and repellents" includes all substances or mixtures of substances, except rodenti-

cides, as defined in paragraph (ff) (15) of this section, intended for preventing, destroying, repelling, or mitigating mammals declared to be pests under § 162.14. Mammal poisons and repellents include, but are not limited to:

(i) Taste, odor, and irritant repellents intended to repel mammals or their adverse, undesired, or destructive activities such as attacking, foraging, chewing, gnawing, urinating, or defecating in or on specific sites or on or near specific objects, persons, plants, or animals;

(ii) Predacides intended to kill certain mammals that prey upon other vertebrate animals which man deems necessary to protect;

(iii) Toxicants, baits, and poisons intended to kill certain mammals causing injury or destruction to crops, stored foods, or other organisms and objects which man deems necessary to protect; and

(iv) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of certain mammals.

(13) The term "nematocides" includes all substances or mixtures of substances intended for preventing or inhibiting the multiplication or establishment of, preventing or mitigating the adverse effects of, repelling, or destroying any members of the Class Nematoda of the Phylum Nemathelminthes declared to be pests under § 162.14.

(i) Nematocides include but are not limited to, plant parasitic nematode control agents intended for use in or on plants, plant parts, soil, or certain infested agricultural commodities or articles.

(ii) Nematocides do not include those substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), such as substances or mixtures of substances intended for use in preventing reproduction of, inactivating, or destroying nematodes in living man or other animals.

(14) The term "plant regulators" includes all substances or mixtures of substances, except defoliant as defined in paragraph (ff) (5) of this section, desiccants as defined in paragraph (ff) (16) of this section, herbicides as defined in paragraph (ff) (9) of this section, and nutrients, intended to cause, through physiological and biochemical action, plant responses of benefit to man. Plant regulators include, but are not limited to, substances or mixtures of substances intended to cause fruit thinning, fruit setting, stem elongation, stimulation or retardation, abscission inhibition, branch structure modification, sucker control, flower induction or inhibition, increased flowering, altered sex expression, extended flowering periods, fruit ripening stimulation, physiological disease inhibition, rooting of cuttings, or dormancy induction or release.

(15) The term "rodenticides" includes all substances or mixtures of substances, except mammal poisons and repellents as defined in paragraph (ff) (12) of this sec-



tion, intended for preventing, destroying, repelling, or mitigating animals belonging to the Order Rodentia of the Class Mammalia, and closely related species, declared to be pests under Section 162.14 of this Part. Rodenticides include, but are not limited to:

(i) Baits, tracking powders, and fumigants intended to kill or repel rodents;

(ii) Repellents intended for use on plants, surfaces, in premises, or in or on packaging or other materials such as food containers, plastic pipe, telephone cables, and building materials, for the purpose of repelling rodents; and

(iii) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of rodents.

(16) The term "slimicides" includes all substances or mixtures of substances, except antimicrobial agents as defined in paragraph (ff)(2) of this section, fungicides as defined in paragraph (ff)(8) of this section, and herbicides as defined in paragraph (ff)(9) of this section, intended for use in preventing or inhibiting the growth of, or destroying biological slimes composed of combinations or algae, bacteria or fungi declared to be pests under § 162.14. Slimicides include, but are not limited to, slime control agents for use in industrial water cooling systems and in pulp and paper mill wet end systems.

(gg) The term "pesticide formulation" means the substance or mixture of substances comprised of all active and inert (if any) ingredients of a pesticide product.

(hh) The term "pesticide product" means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

(ii) The term "propellant" means a gas or volatile liquid used in a pressurized pesticide product for the purpose of expelling the contents of the container.

(jj) The term "reentry" means the action of entering an area or site at, in, or on which a pesticide has been applied.

(kk) The term "residue" means the active ingredient(s), metabolite(s) or degradation product(s) that can be detected in the crops, soil, water, or other component of the environment, including man, following the use of the pesticide.

(ll) The term "subacute dietary LC<sub>50</sub>" means a concentration of a substance, expressed as parts per million in food that is lethal to 50 percent of the test population of animals under test conditions as specified in the Registration Guidelines.

(mm) The term "teratogenic" means the property of a substance or mixture of substances to produce or induce functional deviations or developmental anomalies, not heritable, in or on an animal embryo or fetus.

(nn) The term "toxicity" means the property of a substance or mixture of substances to cause any adverse effects.

(1) The term "acute toxicity" means the property of a substance or mixture of substances to cause adverse effects in

an organism through a single short-term exposure.

(2) The term "subacute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure within less than 1/2 the lifetime of that organism.

(3) The term "chronic toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure over a period of at least 1/2 the lifetime of that organism.

(oo) The term "use" means any act of handling or release of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to:

(1) Application of a pesticide, including mixing and loading and any required supervisory action in or near the area of application;

(2) Storage actions for pesticides and pesticide containers; and

(3) Disposal actions for pesticides and pesticide containers.

[Use as defined here incorporates application. However, the certification requirement for certain restricted use pesticides only applies with respect to applications of such pesticides. Many aspects of use do not include application (e.g. storage, transportation), and hence are outside the requirement for certification.]

(pp) The term "use-dilution" means a dilution specified on the label or labeling which produces the concentration of the pesticide for a particular purpose or effect.

(qq) The term "use pattern" means the manner in which a pesticide is applied and includes the following parameters of pesticide application:

(1) Target pest;

(2) Crop or animals treated;

(3) Application site, and

(4) Application technique, rate and frequency.

(rr) The term "volatility" means the property of a substance or substances to convert into vapor or gas without chemical change.

#### § 162.4 Status of products as pesticides.

(a) *Determination of intent of use.* A substance or mixture of substances is a pesticide under the Act if it is intended for preventing, destroying, repelling or mitigating any pest. (See section 2(u) of the Act and § 162.3(ff).) Such intent may be either expressed or implied. If a product is represented in any manner that results in its being used as a pesticide, it shall be deemed to be a pesticide for the purposes of the Act and these regulations.

(b) *Products considered to be pesticides.* A product will be considered to be a pesticide if:

(1) Claims or recommendations for use as a pesticide are made on the label or labeling of the product including, but not limited to, collateral advertising, such as publications, advertising literature which does not accompany the product, or advertisements by radio or television;

(2) Claims or recommendations for

use as a pesticide are made verbally or in writing by representatives of the manufacturer, shipper, or distributor of the product;

(3) The product is intended for use as a pesticide after reformulation or repackaging; or

(4) The product is intended for use both as a pesticide and for other purposes.

(c) *Products not considered pesticides.* The following are examples of the types of products which are not considered pesticides:

(1) Deodorizers, bleaching agents, and cleaning agents for which no pesticidal claims are made in connection with manufacture, sale, or distribution;

(2) Paints and other formulated coatings which are treated with fungicides to protect the coating itself and for which no pesticidal claims are made in the manufacture, sale, or distribution of the product as to protection of other surfaces or objects;

(3) Building material products *per se*, such as lumber, fiber boards, adhesives, and caulking material, which have been treated to protect the material itself against any pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product;

(4) Fabric products *per se* which have been treated to protect the fabric product itself from insects, fungi, or any other pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product;

(5) Fertilizers and other plant nutrients *per se*; and

(6) Intermediate substances intended for the production of a pesticide product by chemical reaction with other substances.

#### § 162.5 Pesticides required to be registered.

(a) *Registration Requirement.* No person in any state may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver to any person any pesticide which is not registered with the Administrator, except as provided by subsection (b) below.

(b) *Exemption from Registration Requirement.* The following pesticides are exempt from the registration requirements of the Act and this Part:

(1) *Pesticides transferred between establishments.* A pesticide which is transferred from one registered establishment to another registered establishment, operated by the same producer, solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. However, pesticides transferred in accordance with this subsection shall be subject to the following misbranding provisions under section 2(q) of the Act: 2(q)(1)(A), (B), (D), (E), (G), (F) in accordance with § 162.10(i)(1)(iii)(C), 2(q)(2)(A), (C)(i) and (iii)), (D);



(2) *Pesticides transferred under experimental use permits.* A pesticide being transferred for use pursuant to and in accordance with the requirements of an experimental use permit as provided by sections 5 and 12(b)(5) of the Act and Part 172 of these regulations;

(3) *Pesticides transferred for purposes of disposal.* A pesticide shipped solely for purposes of disposal, in accordance with section 19, Part 165 of these regulations, or applicable Administrator's Orders. However, pesticides transferred in accordance with this subsection shall be subject to the following misbranding provisions under section 2(q) of the Act: 2(q)(1)(A), (B), (D), (E), (F), (G) in that all containers must be clearly marked that the product is for disposal only; 2(q)(2)(A), (C) (i) and (iii), (D);

(4) *Pesticides intended for export.* A pesticide intended solely for export to any foreign country, when prepared or packed according to the specifications or directions of the foreign purchaser;

(5) *Pesticides granted an emergency exemption.* A pesticide being transferred for use by a Federal or State agency under the provisions of an emergency exemption, as provided by section 18 of the Act and Part 166 of these regulations; and

(6) *Other exemptions.* The Administrator may by regulation exempt from the requirements of the Act any pesticide which he determines either (i) to be adequately regulated by another Federal agency, or (ii) to be of a character which is unnecessary to be subject to the Act in order to carry out the purposes of the Act.

#### § 162.6 Registration procedures.

(a) *Applicant requirements.* (1) *Who may apply.* Any person in any state who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver to any person a pesticide, or for any other reason desires to register a pesticide, may apply for the registration of such pesticide.

(2) *Applicant and agent.* (i) An applicant may submit his own application, or

(ii) An applicant may appoint an agent to act on his behalf in registration matters, provided that a notarized letter of appointment signed by the applicant or by an authorized officer of the applicant is submitted to the Agency. The agent's appointment may be revoked at any time by the same method.

(3) *Foreign applicant.* An applicant not residing in the United States must have an authorized representative residing in the United States to act on his behalf on all registration matters. The representative's name and complete mailing address, together with a notarized letter of appointment, must accompany the application or be on file with the Agency.

(4) *Address of record.* An applicant or registrant can have only one correspondence address of record to which all communications regarding registration may be directed. If more than one agent has been appointed by the firm, all correspondence will be directed to the last

address of record for the applicant. Separate entity designations, such as Divisions or Departments of the same firm may, upon request, be assigned different company numbers.

(5) *Completeness of applications.* The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application. When the Agency determines that an application is not sufficiently complete to determine if the requirements of section 3(c)(5) are satisfied, or that modifications are required for the labeling to comply with § 162.10, the Agency shall notify the applicant of the deficiencies and allow the applicant a reasonable time to complete the application. Such completions shall be made on forms provided by the Agency. A notice of an incomplete application is not to be considered as a notice that the requirements of section 3(c)(5) are not satisfied, pursuant to section 3(c)(6) of the Act and § 162.7(e) of these regulations or as a notice of denial of registration pursuant to section 3(c)(6) of the Act and § 162.7(e) of these regulations. In the event the applicant desires to have his application treated as having been denied, he may petition the Administrator for issuance of a notice of denial pursuant to § 162.7(e). In such case, the Administrator shall proceed to issue a notice as provided in § 162.7(e)(1) and shall thereafter proceed in accordance with § 162.7(e).

(b) *Application for registration.* (1) *General.* An application for registration shall be either an application for new registration pursuant to § 162.6(b)(2), amended registration pursuant to § 162.6(b)(3), supplemental registration pursuant to § 162.6(b)(4) or reregistration pursuant to § 162.6(b)(5). A separate registration application must be made for each pesticide product. A pesticide product registration shall pertain to only one formulation, and variations in the formulation of a pesticide product will require separate registrations except as provided by §§ 162.6(b)(3) and 162.21(a), or under other circumstances as the Administrator may determine. The application shall be submitted as a complete package including all attachments or enclosures. Material submitted to the Agency in support of another registration may be included in the application by reference. When the applicant is relying on supporting data other than his own, he shall submit his application in accordance with § 162.9.

(2) *Application for new registration.* (i) An application for new registration shall be submitted for every pesticide requiring a separate registration except as provided by § 162.6(b)(3), amended registration § 162.6(b)(4), supplemental registration and § 162.6(b)(5), reregistration. The application for new registration of a pesticide shall be submitted on forms provided by the Agency and must be accompanied by:

(A) *Complete labeling.* (1) A number, as specified on the application form, of complete, identical, and legible copies of the proposed labeling, including all printed or graphic matter which is to

accompany the pesticide at any time, must be furnished by the applicant. The labeling submitted must be in accordance with § 162.10.

(2) A number of copies, as specified on the application form of the complete final printed labeling in accordance with the requirements of § 162.10, provided, however, that final printed labeling need not be submitted until proposed labeling has been conditionally accepted.

(B) *Supporting data.* The burden of proof is upon the applicant to substantiate all claims made for the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on man or the environment. The applicant shall submit supporting data concerning product efficacy, general and environmental chemistry, and hazard, as required by § 162.8 and as specified in the Registration Guidelines.

(C) *Complete formula.* (1) A statement of the composition of the product, including the name and percentage by weight of each active and each inert ingredient, must be submitted on forms provided by the Agency. The statement must be submitted in accordance with the requirements of § 162.8 and the Registration Guidelines.

(2) In determining whether an ingredient is active or inert, the following factors shall be considered:

(i) The ingredient's capability by itself, and when used as directed to prevent, destroy, repel or mitigate any pest;

(ii) The ingredient's presence in the product in sufficient amount to add materially to its effectiveness; and

(iii) The ingredient's influence on the activity of the principal active ingredient(s). The Agency may require an ingredient to be designated as an active ingredient if it sufficiently increases the effectiveness of the pesticide to warrant such action.

(3) If the functional purpose of an ingredient is not reasonably apparent to the Agency, the Agency may request the applicant to state the purpose of the ingredient in the formulation. If any ingredient has no functional purpose, the Agency may determine that either the ingredient must be deleted from the formulation or that the application for registration will be denied.

(D) *Proposed classification.* The applicant shall include a request that each proposed use be classified for general use or restricted use as prescribed by § 162.11. The applicant shall include in this request specific reference to the supporting data and the subsection(s) and paragraph(s) of Section 162.11 which he considers controlling.

(ii) *Disposition of application for new registration.* Applications for new registrations will be processed as provided in § 162.7. Approval of new registrations will not be granted until after acceptance of final printed labeling.

(3) *Application for amended registration.* (i) *General.* Applications for amended registration shall be submitted if:



(A) Changes are proposed in the labeling, including, but not limited to, the addition of new uses, provided that such changes would not require a change in any use classification of the pesticide; or

(B) Minor changes are proposed in the composition of the pesticide which would not require any changes in the label directions, required warning or caution statements, or the use classification of the pesticide; or

(C) Marketing of a single registered product under multiple brand names is proposed, provided that:

(1) No changes may be made in the registered product or in its accepted labeling other than the substitution of brand names.

(2) Additional brand name(s) proposed must not be misleading and shall not include the name of a company or person not specified in the previously approved registration.

(ii) *Procedures.* Applications for amended registration shall be submitted on forms provided by the Agency and must be accompanied by:

(A) A number of copies, as specified on the application form, of the proposed revisions to previously accepted labeling, with supporting data and other information as prescribed in the Registration Guidelines; and

(B) A number of copies, as specified on the application form, of the complete final printed labeling in accordance with the requirements of § 162.10. However, final printed labeling need not be submitted until after proposed revisions to previously accepted labeling have been conditionally accepted by the Agency.

(iii) *Disposition of application for amended registration.* Applications for amended registration will be processed in the same manner as other applications, as provided in § 162.7. Approval of amended registration will not be granted until after acceptance of final printed labeling.

(iv) *Distribution under amended labeling.* (A) Approval of amendments authorizes distribution under such amended labeling for the remainder of the 5-year registration.

(B) Unless specifically prohibited by the Administrator, the registrant may distribute under any accepted label at any time during the 5 years of the registration.

(4) *Application for supplemental registration of distributor products.* Supplemental registration permits a distributor of a registered pesticide product to market that pesticide product under the distributor's brand name. An application for supplemental registration of distributor brands may be submitted by a registrant of a previously registered product or by an applicant for new or amended registration provided, however, that no application for supplemental registration will be approved until the application for new registration has been approved.

(i) *Conditions for supplemental registration of distributor products.* (A) The

product must have the same composition as the previously registered product.

(B) The product must be manufactured and packaged by the same person who manufactures and packages the previously registered pesticide product.

(C) The product labeling must bear the same claims as the previously registered product; provided, however, that specific claims may be deleted if by so doing no other changes are made necessary.

(D) The pesticide formulation must remain in the manufacturer's unbroken container.

(E) The label must bear the registration number of the previously registered product.

(F) The EPA distributor number must appear as a suffix to the registration number.

(G) Distributor products must bear the name and address of the distributor qualified by such terms as "packed for \* \* \*"; "distributed by \* \* \*"; or "sold by \* \* \*" to show that the name is not that of the manufacturer.

(H) All conditions of the previous registration apply equally to the supplemental registration.

(ii) *Procedures for supplemental registration of distributor products.* (A) Applications must be submitted on forms provided by the Agency.

(B) Applications must be submitted by the registrant with proof of concurrence by the distributor.

(C) Applications shall include the distributor's company number for each distributor proposed. If a registrant has a potential distributor to whom a company number has not been assigned, he should have the distributor apply, by letterhead, to the Agency for a company number.

(iii) *Distribution of supplementally registered pesticide products.* A pesticide shall not be distributed under a supplemental registration prior to Agency approval of the proposed distributor brand name(s).

(5) *Application for reregistration.* (i) *General.* Pesticide products registered by this Agency prior to October 21, 1974, are required by the Act to be reregistered and classified. This section provides the rules for reregistration and classification of such pesticide products during the period October 21, 1974, through October 21, 1976.

(ii) *Procedures.* If the registrant desires to reregister the product he shall submit an application for reregistration on a form to be provided by the Agency. Such application will be acted upon as provided in this section and in the Registration Guidelines. When these regulations require data for reregistration which cannot reasonably be anticipated to be compiled on or before October 21, 1976, and the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3), the Administrator, may, in his discretion, classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, when he determines that based upon available data, the pes-

ticide product otherwise satisfies the requirements of these regulations and the Act.

(iii) *Requirements.* The reregistration application shall contain the following information:

(A) The name and address of the applicant and of any other person whose name will appear on the labeling;

(B) The name of the product and the EPA registration number;

(C) The classification or classifications requested for the use(s) for which reregistration is requested pursuant to § 162.11;

(D) A number of copies as specified on the application form, of the proposed labeling for the pesticide product in conformance with the requirements of § 162.10;

(E) A number of copies, as specified on the application form, of the complete final printed labeling in accordance with the requirements of § 162.10. However, final printed labeling need not be submitted until after proposed revisions to previously accepted labeling have been conditionally accepted by the Agency;

(F) Supporting data as required by § 162.8(c); and

(G) Any additional supporting data and other materials as specified by the Agency.

(iv) *Amendments during the two-year period.* Applications for amended registration of pesticide products subject to reregistration between October 21, 1974, and October 21, 1976, will be processed independent of reregistration unless they are included as a part of the reregistration application. However, amended registration of a product approved prior to reregistration of that product will be effective only for the period between approval of the amendment and reregistration of the product, and labeling revised for purposes of the amendment may require further revision prior to reregistration.

(6) *Notice of application.* (i) *Publication.* Promptly after receipt of an application for new or amended registration and of the required supporting data, the Administrator shall publish in the FEDERAL REGISTER a notice of such application for registration if the pesticide formulation contains any active ingredient not registered at the time of the application or if a changed use pattern is proposed. The notice shall include the name and address of the applicant, the name of the active ingredient(s) or the changed use pattern, and the proposed classification. The notice shall provide a period of 30 days in which any Federal agency or any other interested person may comment.

(ii) *Consideration and availability of comments.* Prior to making final determinations on the proposed application, consideration shall be given to written comments submitted as specified in the FEDERAL REGISTER notice. All comments must, in order to assure consideration, be received by the 30th day from publication in the FEDERAL REGISTER. Those comments received on the 31st day and after shall be considered only to the ex-



tent such consideration would not delay subsequent processing of the application. All written comments made pursuant to the notice shall be made available for public inspection.

(c) *Five Year Cancellation.* (1) *General.* The Administrator shall issue a notice of intent to cancel the registration of a pesticide product five years after the date of such registration. The registration shall be cancelled unless the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. Such a request must be made by the registrant, or other interested person with the concurrence of the registrant, by the date specified in the notice. The Administrator shall continue in effect a registration only upon determination that the registration complies with all requirements of the Act and the current regulations promulgated thereunder, including all data requirements as specified in the Registration Guidelines for new registrations.

(2) *"Federal Register" Notice.* The Administrator shall publish in the FEDERAL REGISTER notice that the registration will be cancelled if the registrant, or other interested person with the concurrence of the registrant, does not request that the registration be continued in effect. Such notice shall be published at least 30 days prior to the expiration of the five year period and the effective date of the cancellation notice. The FEDERAL REGISTER notice shall state that the notice of intent to cancel is being issued under the authority of section 6(a)(1) of the Act and this subsection of Part 162.

(3) *Continued Sale and Use of Existing Stocks.* The Administrator may permit the continued sale and use of existing stocks of a pesticide cancelled pursuant to this subsection. Such continued sale and use shall be subject to the conditions and for such uses as the Administrator specifies. The Administrator may only permit such sale and use if he determines that:

(i) such sale and use is not inconsistent with the purposes of the Act and the regulations promulgated thereunder; and

(ii) such sale and use will not have unreasonable adverse effects on man or the environment.

#### § 162.7 Disposition of applications.

(a) *General.* All applications for new registration, reregistration, amended registration, or supplemental registration, and all resubmissions of such applications, will be processed as described below.

(b) *Notice of Receipt of Application for Registration.* The Agency will acknowledge receipt of each application for registration by returning to the applicant a notification of the date of receipt by the Agency.

(c) *Time for Action with Respect to Application.* As expeditiously as possible, the Agency shall approve or deny all applications for registration. Where practicable the Agency shall make its determination within 90 days after the

date of receipt of the application. Registration applications which require consultation with other Federal agencies may take longer.

(d) *Approval of registration.* (1) *Criteria for Approval.* The Administrator shall register a pesticide product or approve amended and supplemental registration if he determines that, when considered with any restrictions imposed:

(i) The composition is such as to be effective for all uses set forth on the label (see §§ 162.8 and 162.10);

(ii) The product is not misbranded as defined in section 2(q) of the Act, and its labeling complies with the applicable requirements of the Act, § 162.10, and the Registration Guidelines;

(iii) The test data and other material required to be submitted with the registration application comply with the requirements of the Act, § 162.8, and the data requirements of the Registration Guidelines;

(iv) The pesticide will perform its intended function without unreasonable adverse effects on the environment and when used in accordance with widespread and commonly recognized practice will not generally cause unreasonable adverse effects on the environment. The criteria for determining unreasonable adverse effects on the environment are set forth in § 162.11;

(v) A tolerance or exemption from the tolerance requirement has been obtained, as provided in sections 406, 408, or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348) if the proposed labeling bears directions for use on food or if the intended use of the pesticide results or may reasonably be expected to result, directly or indirectly, in residues of the pesticide becoming a component of food; and

(vi) The product has been approved under the provisions of the Food, Drug and Cosmetic Act if the product contains any drug claims on its labeling in addition to the pesticidal claims.

(2) *Notice of Approval.* The Administrator shall promptly publish in the FEDERAL REGISTER a notice of approval of the registration for any pesticide product for which notice of application was published under § 162.6(b)(6) for pesticides having an active ingredient not registered at the time of the application or for pesticides with a changed use pattern.

(e) *Denial of Registration.* (1) *Notification.* The Administrator shall deny registration if the pesticide product fails to meet any of the requirements of paragraph (d) of this section or if there is insufficient data to make the required determination. Promptly after making such a determination, he shall notify the applicant by certified letter of the denial of registration and shall set forth the reasons and factual basis for the determination and the conditions, if any, which must be satisfied in order for the registration to be approved.

(2) *Opportunity for Remedy by Applicant.* (i) The applicant will have 30 days from the date of receipt of the certified letter to take the specified corrective action.

(ii) The applicant may petition the Administrator to withdraw his application. The Administrator may, in his discretion, deny any petition for withdrawal and proceed to issue notice of denial in accordance with paragraph (3) of this section.

(3) *"Federal Register" Publication.* If the applicant fails to remedy the deficiency of his registration application, the Administrator shall promptly publish in the FEDERAL REGISTER a notice of denial of registration. Such notice shall set forth the reasons and factual basis for the denial and shall contain the name and address of the applicant, the product name, the name and percentage by weight of each active ingredient in the product, the proposed patterns of use, and the proposed classification.

(4) *Appeal Rights.* Within 30 days following publication of the denial in the FEDERAL REGISTER, the applicant or any interested party with the written authorization of the applicant may request a hearing pursuant to section 6(b) of the Act and Part 164 of these regulations.

(f) *Disposition of Material Submitted in Support of Registration.* The test data and other information submitted in support of the registration application shall become a part of the official file of the Agency for that registration. Except as provided by section 3(c)(1) (D) and section 10 of the Act, within 30 days after the registration of a pesticide, the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to his decision shall be made available for public inspection.

#### § 162.8 Data in support of registration and classification.

(a) *General.* (1) The applicant shall submit test data and other information necessary to support all claims made for the product and to establish that the product meets the requirements of section 162.7 of this Part. In submitting required data, the applicant must clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information, pursuant to Section 10 of the Act, and submit such marked material separately from other material submitted with the application.

(2) The data required by paragraphs (b), (c), and (d) of this section shall be submitted according to the specifications of the Registration Guidelines. Nothing included in or omitted from the Registration Guidelines, shall, however, relieve the applicant of the responsibility to apply all relevant available knowledge in designing tests and evaluating results.

(3) An applicant for registration or reregistration may submit written evidence that the composition, degradability, proposed patterns of use and such other chemical or physical properties of a specific pesticide or product relating to an evaluation of the effects on man or the environment are fundamentally different from the factors considered by the agency in the establishment of the data requirements of the Registration Guide-



lines and that therefore some or all of the data requirements of the Registration Guidelines are inapplicable to the specific pesticide or product, provided however, that in the case of the reregistration of a pesticide, the Administrator may initiate a waiver of a data requirement of the Registration Guidelines in his solicitation of an application for reregistration. After considering the evidence submitted by the applicant, and such other information as may be available to him, the Administrator will make a written finding with respect to whether such properties of the specific pesticide or product are fundamentally different from the factors considered by the Agency in establishing the data requirements of the Registration Guidelines. If the Administrator determines that such properties of the specific pesticide or product are fundamentally different from the factors considered by the Agency he may waive a data requirement specified in the Registration Guidelines when he determines that the data so required is not necessary in order for him to determine whether such specific pesticide or product will generally cause unreasonable adverse effects on man or the environment. In the case of the approval of any application for new registration in which the Administrator has determined to waive a data requirement specified in the Registration Guidelines, the notice of approval issued pursuant to § 162.7(d)(2) shall list any data requirement which has been waived and briefly state the basis for such waiver. In the case of the waiver of a data requirement in the solicitation of application for reregistration, the notice of solicitation shall list any data requirement which has been waived and briefly state the basis for such waiver. As information becomes available concerning properties of specific pesticides or products which are found to be fundamentally different from the factors considered by the Agency in establishing the Registration Guidelines, consideration will be given to appropriate revision of the Registration Guidelines.

(4) The applicant shall submit any factual information regarding adverse effects of the pesticide on the environment or man which have been obtained by him or come to his attention including, but not limited to, published or unpublished laboratory studies and accident experience.

(b) *Data Requirements for New Registration.* (1) *General.* Unless additional data are requested by the Agency pursuant to paragraph (d) of this Section, or the applicant secures a waiver of a data requirement pursuant to paragraph (a)(3) of this section, pesticide products subject to new registration, under § 162.6(b)(2) shall be supported by the following data to determine their use classification(s) and registrability.

(2) *Efficacy.* Data are required to substantiate efficacy claims made for the pesticide product. Evidence of product efficacy will be demonstrated through laboratory and/or field-testing procedures

which simulate actual use conditions. Actual test procedures will vary according to the characteristics of the chemical, the type of formulation, the target pest, the use patterns, and the methods and time of application. Information shall be submitted by the applicant as specified in the Registration Guidelines to include:

(i) Data to support the minimum effective dosage and effective dosage range.

(ii) Description of application techniques, including equipment used in application, method, timing and site of application.

(iii) Evaluation of the action of the product in destroying, repelling or mitigating a pest; accelerating or retarding the rate of growth or otherwise altering the behavior of plants; defoliating plants; or injuring plant parts for the purpose of accelerating the drying of plant tissue.

(iv) Measurement of toxic effects to plants or animals that are host to the pest, as appropriate.

(3) *General and environmental chemistry.* The applicant shall submit data relative to general and environmental chemistry as specified in the Registration Guidelines.

(i) *General Chemistry.* The general chemistry requirements include, but are not limited to:

(A) Information on the technical chemicals used as the active ingredients in the pesticide, including:

(1) Complete composition of the technical chemical, including the chemical names and percentages of impurities;

(2) Basic manufacturing process of the technical chemical;

(3) Purity of starting and intermediate materials used in the manufacturing process;

(4) Basic physical and chemical characteristics of the active ingredient(s), either in technical or purer form; and

(5) Analytical methods for the principal component(s) and impurities and

(B) Information on the specific pesticide formulation including:

(1) Complete composition, including the name and percentage of each ingredient, active or inert;

(2) Basic manufacturing process of the pesticide formulation;

(3) Storage stability data reflecting the anticipated exposure conditions over the expected shelf-life period; and

(4) Method(s) of analysis for identifying and quantifying the active ingredient(s) in the pesticide formulation.

(ii) *Environmental Chemistry.* (A) If the pesticide is intended for outdoor application, data to evaluate the pesticide's environmental chemistry characteristics will be required, including but not limited to:

(1) Field stability data on the active ingredient(s), indicating the dissipation time and its modes of degradation and/or metabolism;

(2) Persistence and degradation data and accumulation data for target and/or non-target species for the active in-

redient(s), metabolite(s), or degradation product(s); and

(3) Mobility data for the active ingredient(s), metabolite(s) or degradation product(s), including volatility and leaching properties. If a significant potential for movement in soil can reasonably be anticipated, then data to determine such movement will be required.

(B) Information in support of safe methods for the disposal of the pesticide formulation and pesticide container.

[See, 40 CFR 165.1(s) 1].

(4) *Product hazard.* The applicant shall submit data which will be used to assess pesticide hazard to man and to the environment. Laboratory and field studies to support these assessments shall be conducted with either the active ingredient(s) or the specific pesticide formulation or both, as specified in the Registration Guidelines. When data on active ingredient(s) and formulation do not allow a satisfactory basis for decision on product hazard, further studies may also be required for major metabolites, degradation and/or reaction products. The applicant shall submit data obtained through suitable tests which evaluate:

(i) *Hazard to humans and domestic animals.* (A) Acute toxicity data based upon oral, dermal, inhalation, and ocular routes of exposure will be required.

(B) Subacute and chronic toxicity data will be required as specified in the Registration Guidelines and may include assessment of oncogenic, mutagenic, teratogenic, reproductive, and metabolic effects; other adverse effects on the central nervous system or hematopoietic system; and histological changes in the organs, including but not limited to liver, kidney, and both male and female reproductive systems.

(C) Diagnostic, first aid, palliative and/or antidotal information will be required.

(D) Foliar residue and exposure data necessary to determine required intervals between pesticide application and safe reentry into treated areas, and suggested precautionary statements based on such data, will be required for cholinesterase-inhibiting products, and for such other compounds as are specified in the Registration Guidelines.

(ii) *Hazard to non-target organisms.* (A) Data on acute and subacute toxicity to avian species and acute toxicity to fish will be required.

(B) If the pesticide is intended for outdoor application, data to evaluate hazard to non-target animals will be required as specified in the Registration Guidelines. Conditions under which these data are required depend upon such factors as the pesticide's proposed pattern(s) of use, environmental chemistry characteristics and the nature of the hazard posed to humans and domestic animals [§ 162.8(b)(4)(i)], and to other non-target animals [§ 162.8(b)(4)(ii)(A)]. Such data may be obtained from avian reproduction studies, aquatic invertebrate acute toxicity testing, aquatic organism life cycle studies, simulated



field testing, and/or field monitoring and observation, as specified in the Registration Guidelines.

(C) If the pesticide is intended for outdoor application and if it is expected to move readily from the application site by means of drift, volatilization, leaching or lateral movement in soil, then data on toxic effects to susceptible non-target plants will be required, as specified in the Registration Guidelines.

(c) *Data requirements for reregistration*—(1) *General*. Unless additional data are requested by the Agency pursuant to paragraph (d) of this section or the applicant secures a waiver of a data requirement pursuant to paragraph (a) (3) of this section, pesticide products subject to reregistration under § 162.6(b) (5) shall be supported by the following data to determine their use classification(s) and reregistrability.

(2) *Acute Toxicity Data*. (i) The applicant shall submit toxicity data required to make the determination set forth in § 162.11(c) (2) (iii) (A), (B) and (C), unless acceptable data have been previously submitted to the Agency or the product's patterns of use do not result in exposure to mammals, birds and aquatic organisms.

(ii) Except as provided in (i) above, no additional acute toxicity data shall be required for reregistration and classification unless the Agency notifies the applicant that data in the product's registration file are inadequate to support the registration. If an applicant desires to have the product classified under the criteria of § 162.11(c) (1), the applicant shall so indicate in his application and submit the toxicity data required by that section. If the applicant has previously submitted such data, he shall so notify the Agency.

(3) *Subacute and chronic toxicity data*. For the purposes of reregistration and classification under §§ 162.6(b) (5) and 162.11(c) (2), registrants of pesticide products which meet the criteria listed below shall be required to submit supportive data. Acceptable procedures for required studies are specified in the Registration Guidelines. If such data have been previously submitted and meet the intent and reliability of standards established in the Registration Guidelines, the registrant shall so notify the Agency and need not resubmit the required data.

(i) *Teratogenic evaluation* of the active ingredient(s) in a mammalian test system will be required if the pesticide use may reasonably be expected to result in exposure to female humans.

(ii) *Oncogenic evaluation* of the active ingredient(s) will be required if (A) the active ingredient(s), its metabolite(s) or degradation product(s) contains a substance structurally related to a known or suspected oncogenic agent, or (B) the pesticide needs a tolerance or an exemption from the requirement to obtain a tolerance [see § 162.7(d) (1) (v)].

(iii) *Chronic feeding studies* of the active ingredients will be required (A) for pesticides which need a tolerance or an

exemption from the requirement to obtain a tolerance, or (B) for pesticides intended for use in residences, enclosed working spaces, or their immediate vicinity. Such chronic feeding studies shall include, at least, studies of effects on the central nervous system, hematopoietic system, and histological changes in the liver, kidney, and both male and female reproductive systems.

(iv) *Reproduction studies* of the active ingredient will be required for pesticides which need a tolerance or an exemption from the requirement to obtain a tolerance. Such reproduction studies shall consist of a three generation investigation.

(4) *Reentry and disposal data*. (i) *Foliar residue and exposure information* will be required for products containing cholinesterase-inhibiting ingredients, and such other ingredients as are specified in the Registration Guidelines. Such studies shall be designed to provide data sufficient to establish satisfactory precautions to protect persons reentering treated areas.

(ii) *Information* will be required in support of safe methods for the disposal of the pesticide formulation and pesticide container. [See, 40 CFR 165.1(s)]

(d) *Additional data*. (1) A registrant or applicant shall submit any additional data other than that required by these regulations and the Registration Guidelines which the Agency has determined is necessary to support the registration. If any additional information is required on previously registered pesticides, the Agency shall permit sufficient time to obtain such additional information. The Agency shall periodically revise the information needed to support the registration of a pesticide. Such revisions of required information shall be contained in the Registration Guidelines.

(2) If at any time after the registration of a pesticide product, the registrant had additional information regarding any adverse effects on man or the environment he shall submit such information to the Administrator. Such information may be obtained directly by the applicant or come to his attention and shall include, but is not limited to, published or unpublished laboratory studies and accident experience.

§ 162.9 Compensation for use of previously submitted data in support of registration. [Reserved]

§ 162.10 Labeling requirements.

(a) *General*. (1) *Contents of the label*. Every pesticide product shall bear a label containing the information specified by the Act and the regulations in this Part. The contents of a label must show clearly and prominently the following:

(i) The name, brand, or trademark under which the product is sold as prescribed in paragraph (b) of this section;

(ii) The name and address of the producer, registrant, or person for whom produced as prescribed in paragraph (c) of this section;

(iii) The net contents as prescribed in paragraph (d) of this section;

(iv) The product registration number as prescribed in paragraph (e) of this section;

(v) The producing establishment number as prescribed in paragraph (f) of this section;

(vi) An ingredient statement as prescribed in paragraph (g) of this section;

(vii) Warning or precautionary statements as prescribed in paragraph (h) of this section;

(viii) The directions for use as prescribed in paragraph (i) of this section; and

(ix) The use classification(s) as prescribed in paragraph (j) of this section.

(2) *Prominence and legibility*. (i) All words, statements, graphic representations, designs or other information required on the labeling by the Act or the regulations in this Part must be clearly legible to a person with normal vision, and must be placed with such conspicuousness (as compared with other words, statements, designs, or graphic matter on the labeling) and expressed in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) All required label text must:

(A) Be set in 6-point or larger type;

(B) Appear on a clear contrasting background; and

(C) Not be obscured or crowded.

(3) *Language to be used*. All required label or labeling text shall appear in the English language. However, the Agency may require or the applicant may propose additional text in other languages as is considered necessary to protect the public. When additional text in another language is necessary, all labeling requirements will be applied equally to both the English and other-language versions of the labeling.

(4) *Placement of Label*. (i) *General*. The label shall appear on or be securely attached to the immediate container of the pesticide product. For purposes of this Section, and the misbranding provisions of the Act, "securely attached" shall mean that a label can reasonably be expected to remain affixed during the foreseeable conditions and period of use. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.

(ii) *Tank cars and other bulk containers*. (A) *Transportation*. While a pesticide product is in transit, the appropriate provisions of 49 CFR 170-189, concerning the transportation of hazardous materials, and specifically those provisions concerning the labeling, marking and placarding of hazardous materials and the vehicles carrying them, define the basic Federal requirements. In addition, when any registered pesticide product is transported in a tank car, tank truck or other mobile or portable bulk container, a copy of the accepted label must be attached to the shipping papers, and left with the consignee at the time of delivery.



(B) *Storage.* When pesticide products are stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, a copy of the label of labeling, including all appropriate directions for use, shall be securely attached to the container in the immediate vicinity of the discharge control valve.

(5) *False or misleading statements.* Pursuant to section 2(q)(1)(A) of the Act, a pesticide or a device declared subject to the Act pursuant to § 162.15, is misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims. Examples of statements or representations in the labeling which constitute misbranding include:

(i) A false or misleading statement concerning the composition of the product;

(ii) A false or misleading statement concerning the effectiveness of the product as a pesticide or device;

(iii) A false or misleading statement about the value of the product for purposes other than as a pesticide or device;

(iv) A false or misleading comparison with other pesticides or devices;

(v) Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government;

(vi) The name of a pesticide which contains two or more principal active ingredients if the name suggests one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling;

(vii) A true statement used in such a way as to give a false or misleading impression to the purchaser;

(viii) Label disclaimers which negate or detract from labeling statements required under the Act and these regulations;

(ix) Claims as to the safety of the pesticide or its ingredients, including statements such as "safe," "nonpoisonous," "noninjurious," "harmless" or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed"; and

(x) Non-numerical and/or comparative statements on the safety of the product, including but not limited to:

(A) "Contains all natural ingredients";

(B) "Among the least toxic chemicals known";

(C) "Pollution approved"

(6) *Final printed labeling.* (i) Except as provided in paragraph (a)(6)(ii) of this section, final printed labeling must be submitted and accepted prior to registration. However, final printed labeling need not be submitted until draft label texts have been provisionally accepted by the Agency.

(ii) Clearly legible reproductions or photo reductions will be accepted for unusual labels such as those silk-screened directly onto glass or metal containers or large bag or drum labels. Such reproductions must be of microfilm reproduction quality.

(b) *Name, brand, or trademark.* (1) The name, brand, or trademark under which the pesticide product is sold shall appear on the front panel of the label.

(2) No name, brand, or trademark may appear on the label which:

(i) Is false or misleading, or

(ii) Has not been approved by the Administrator through registration or supplemental registration as an additional name pursuant to § 162.6(b)(4).

(c) Name and address of producer, registrant, or person for whom produced.

An unqualified name and address given on the label shall be considered as the name and address of the producer. If the registrant's name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate wording such as "Packed for \* \* \*," "Distributed by \* \* \*," or "Sold by \* \* \*" to show that the name is not that of the producer.

(d) *Net weight or measure of contents.* (1) The net weight or measure of content shall be exclusive of wrappers or other materials and shall be the average content unless explicitly stated as a minimum quantity.

(2) If the pesticide is a liquid, the net content statement shall be in terms of liquid measure at 68° F (20° C) and shall be expressed in conventional American units of fluid ounces, pints, quarts, and gallons.

(3) If the pesticide is solid or semi-solid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces.

(4) In all cases, net content shall be stated in terms of the largest suitable units, i.e., "1 pound 10 ounces" rather than "26 ounces."

(5) In addition to the required units specified, net content may be expressed in metric units.

(6) Variation above minimum content or around an average is permissible only to the extent that it represents deviation unavoidable in good manufacturing practice. Variation below a stated minimum is not permitted. In no case shall the average content of the packages in a shipment fall below the stated average content.

(e) *Product registration number.* The registration number assigned to the pesticide product at the time of registration shall appear on the label, preceded by the phrase "EPA Registration No.," or the phrase "EPA Reg. No." The registration number shall be set in type of a size and style similar to other print on that part of the label on which it appears and shall run parallel to it. The registration number and the required identifying phrase shall not appear in such a manner as to suggest or imply recommendation or endorsement of the product by the Agency.

(f) *Producing establishments registration number.* The producing establishment registration number preceded by the phrase "EPA Est.," of the final es-

tablishment at which the product was produced may appear in any suitable location on the label or immediate container. It must appear on the wrapper or outside container of the package if the EPA establishment registration number on the immediate container cannot be clearly read through such wrapper or container.

(g) *Ingredient statement.* (1) *General.* The label of each pesticide product must bear a statement which contains the name and percentage by weight of each active ingredient, the total percentage by weight of all inert ingredients; and if the pesticide contains arsenic in any form, a statement of the percentages of total and water-soluble arsenic calculated as elemental arsenic. The active ingredients must be designated by the term "active ingredients" and the inert ingredients by the term "inert ingredients," or the singular forms of these terms when appropriate. Both terms shall be in the same type size, be aligned to the same margin and be equally prominent. The statement "Inert Ingredients, none" is not required for pesticides which contain 100 percent active ingredients. Unless the ingredient statement is a complete analysis of the pesticide, the term "analysis" shall not be used as a heading for the ingredient statement.

(2) *Position of ingredient statement.*

(i) The ingredient statement is normally required on the front panel of the label. If there is an outside container or wrapper through which the ingredient statement cannot be clearly read, the ingredient statement must also appear on such outside container or wrapper. If the size or form of the package makes it impracticable to place the ingredient statement on the front panel of the label, permission may be granted for the ingredient statement to appear elsewhere.

(ii) The text of the ingredient statement must run parallel with other text on the panel on which it appears, and must be clearly distinguishable from and must not be placed in the body of other text.

(3) *Names to be used in ingredient statement.* The name used for each ingredient shall be the accepted common name, if there is one, followed by the chemical name. The common name may be used alone only if it is well known. If no common name has been established, the chemical name alone shall be used. In no case will the use of a trademark or proprietary name be permitted unless such name has been accepted as a common name by the Administrator under the authority of Section 25(c)(6).

(4) *Statements of percentages.* The percentages of ingredients shall be stated in terms of weight-to-weight. The sum of percentages of the active and the inert ingredients shall be 100. Percentages shall not be expressed by a range of values such as "22-25%." If the uses of the pesticide product are expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation shall also appear in the ingredient statement.



(5) *Accuracy of stated percentages.* The percentages given shall be as precise as possible reflecting good manufacturing practice. If there may be unavoidable variation between manufacturing batches, the value stated for each active ingredient shall be the lowest percentage which may be present.

(6) *Deterioration.* Pesticides which change in chemical composition significantly must meet the following labeling requirements:

(i) In cases where it is determined that a pesticide formulation changes chemical composition significantly, the product must bear the following statement in a prominent position on the label: "Not for sale or use after [date]."

(ii) The product must meet all label claims up to the expiration time indicated on the label.

(7) *Inert ingredients.* The Administrator may require the name of any inert

ingredient(s) to be listed in the ingredient statement if he determines that such ingredient(s) may pose a hazard to man or the environment.

(h) *Warnings and precautionary statements.* Required warnings and precautionary statements concerning the general areas of toxicological hazard including hazard to children, environmental hazard, and physical or chemical hazard fall into two groups; those required on the front panel of the labeling and those which may appear elsewhere. Specific requirements concerning content, placement, type size, and prominence are given below.

(1) *Required front panel statements.* With the exception of the child hazard warning statement, the text required on the front panel of the label is determined by the Toxicity Category of the pesticide. The category is assigned on the basis of the highest hazard shown by any of the indicators in the table below:

Hazard indicators	Toxicity categories			
	I	II	III	IV
Oral LD <sub>50</sub> .....	Up to and including 50 mg/kg.	From 50 thru 500 mg/kg.	From 500 thru 5000 mg/kg.	Greater than 5000 mg/kg.
Inhalation LC <sub>50</sub> ....	Up to and including .2 mg/liter.	From 2. thru 2 mg/liter.	From 2. thru 20 mg/liter.	Greater than 20 mg/liter.
Dermal LD <sub>50</sub> .....	Up to and including 200 mg/kg.	From 200 thru 2000.	From 2,000 thru 20,000.	Greater than 20,000.
Eye effects.....	Corrosive; corneal opacity not reversible within 7 days.	Corneal opacity reversible within 7 days; irritation persisting for 7 days.	No corneal opacity; irritation reversible within 7 days.	No irritation.
Skin effects.....	Corrosive.....	Severe irritation at 72 hours.	Moderate irritation at 72 hours.	Mild or slight irritation at 72 hours.

(i) *Human hazard signal word.* (A) *Toxicity Category I.* All pesticide products meeting the criteria of Toxicity Category I shall bear on the front panel the signal word "Danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "Poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(B) *Toxicity Category II.* All pesticide products meeting the criteria of Toxicity Category II shall bear on the front panel the signal word "Warning."

(C) *Toxicity Category III.* All pesticide products meeting the criteria of Toxicity Category III shall bear on the front panel the signal word "Caution."

(D) *Toxicity Category IV.* All pesticide products meeting the criteria of Toxicity Category IV shall bear on the front panel the signal word "Caution."

(E) *Use of signal words.* Use of any

signal word(s) associated with a higher Toxicity Category is not permitted except when the Agency determines that such labeling is necessary to prevent unreasonable adverse effects on man or the environment. In no case shall more than one human hazard signal word appear on the front panel of a label.

(ii) *Child hazard warning.* Every pesticide product label shall bear on the front panel the statement "keep out of reach of children." Only in cases where the likelihood of contact with children during distribution, marketing, storage or use is demonstrated by the applicant to be extremely remote, or if the nature of the pesticide is such that it is approved for use on infants or small children, may the Administrator waive this requirement.

(iii) *Statement of practical treatment.* (A) *Toxicity Category I:* A statement of practical treatment (first aid or other) shall appear on the front panel of the label of all pesticides falling into Toxicity Category I on the basis of oral, inhalation or dermal toxicity. The Agency may, however, permit reasonable varia-

tions in the placement of the statement of practical treatment if some reference such as "See statement of practical treatment on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

(B) *Other toxicity categories.* The statement of practical treatment is not required on the front panel except as described in (A) above. The applicant may, however, include such a front panel statement at his option. Statements of practical treatment are, however, required elsewhere on the label in accord with paragraph (h)(2) of this section if they do not appear on the front panel.

(iv) *Placement and prominence.* All the required front panel warning statements shall be grouped together on the label, and shall appear with sufficient prominence relative to other front panel text and graphic material to make them unlikely to be overlooked under customary conditions of purchase and use. The following table shows the minimum type size requirements for the front panel warning statements on various sizes of labels:

*Size of label, front panel in square inches. Required signal word, all capitals. "Keep out of reach of children"*

	Points	Points
5 and under.....	6	6
Above 5 to 10.....	10	6
Above 10 to 15.....	12	8
Above 15 to 30.....	14	10
Over 30.....	18	12

(2) *Other required warnings and precautionary statements.* The warnings and precautionary statements as required below shall appear together on the label under the general heading "Precautionary Statements" and under appropriate subheadings of "Hazard to Humans and Domestic Animals," "Environmental Hazard" and "Physical or Chemical Hazard."

(i) *Hazard to humans and domestic animals.* (A) Where a hazard exists to humans or domestic animals, precautionary statements are required indicating the particular hazard, the route(s) of exposure and the precautions to be taken to avoid accident, injury or damage. The precautionary paragraph shall be immediately preceded by the appropriate hazard signal word.

(B) The following table depicts typical precautionary statements. These statements must be modified or expanded to reflect specific hazards.



Toxicity category	Precautionary statements by toxicity category	
	Oral, inhalation, or dermal toxicity	Skin and eye local effects.
I.....	Fatal (poisonous) if swallowed [inhaled or absorbed through skin]. Do not breathe vapor [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Front panel statement of practical treatment required.]	Corrosive, causes eye and skin damage [or skin irritation]. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. [Appropriate first aid statement required.]
II.....	May be fatal if swallowed [inhaled or absorbed through the skin]. Do not breathe vapors [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Appropriate first aid statement required.]	Causes eye [and skin] irritation. Do not get in eyes, on skin, or on clothing. Harmful if swallowed. [Appropriate first aid statement required.]
III.....	Harmful if swallowed [inhaled or absorbed through the skin]. Avoid breathing vapors [dust or spray mist]. Avoid contact with skin [eyes or clothing]. [Appropriate first aid statement required.]	Avoid contact with skin, eyes or clothing. In case of contact immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists.
IV.....	[No precautionary statements required.]	[No precautionary statements required.]

(ii) *Environmental hazards.* Where a hazard exists to non target organisms excluding humans and domestic animals, precautionary statements are required stating the nature of the hazard and the appropriate precautions to avoid potential accident, injury or damage. Examples of the hazard statements and the circumstances under which they are required follow:

(A) If a pesticide intended for outdoor use contains an active ingredient with a mammalian acute oral LD<sub>50</sub> of 100 or less, the statement "This Pesticide is Toxic to Wildlife" is required.

(B) If a pesticide intended for outdoor use contains an active ingredient with a fish acute LC<sub>50</sub> of 1 ppm or less, the statement "This Pesticide is Toxic to Fish" is required.

(C) If a pesticide intended for outdoor use contains an active ingredient with an avian acute oral LD<sub>50</sub> of 100 mg/kg or less, or a subacute dietary LC<sub>50</sub> of 500

ppm or less, the statement "This Pesticide is Toxic to Wildlife" is required.

(D) If either accident history or field studies demonstrate that use of the pesticide may result in fatality to birds, fish or mammals, the statement "This pesticide is extremely toxic to wildlife (fish)" is required.

(E) For uses involving foliar application to agricultural crops, forests, or shade trees, or for mosquito abatement treatments, pesticides toxic to pollinating insects must bear appropriate label cautions.

(F) For all outdoor uses other than aquatic applications the label must bear the caution "Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposal of wastes."

(iii) *Physical or chemical hazards.* Warning statements on the flammability or explosive characteristics of the pesticide are required as follows:

#### (A) PRESSURIZED CONTAINERS

Flash point at or below 20° F; if there is a flashback at any valve opening.	Extremely flammable. Contents under pressure. Keep away from fire, sparks, and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.
Flash point above 20° F and not over 80° F or if the flame extension is more than 18 in long at a distance of 6 in from the flame.	Flammable. Contents under pressure. Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.
All other pressurized containers.....	Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

#### (B) NONPRESSURIZED CONTAINERS

Flash point	Required text
At or below 20° F.....	Extremely flammable. Keep away from fire, sparks, and heated surfaces.
Above 20° F and not over 80° F.....	Flammable. Keep away from heat and open flame.
Above 80° F and not over 150° F.....	Do not use or store near heat or open flame.

(i) *Directions for Use.* (1) *General requirements.* (i) *Adequacy and clarity of directions.* Directions for use must be stated in terms which can be easily read and understood by the average person likely to use or to supervise the use of the pesticide. When followed, directions must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

(ii) *Placement of directions for use.* Directions may appear on any portion

of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product. Directions for use may appear on printed or graphic matter which accompanies the pesticide provided that:

(A) If required by the Agency, such printed or graphic matter is securely attached to each package of the pesticide, or placed within the outside wrapper or bag;

(B) The label bears a reference to the directions for use in accompanying leaf-

lets or circulars, such as "See directions in the enclosed circular:" and

(C) The Administrator determines that it is not necessary for such directions to appear on the label.

(iii) *Exceptions to requirement for directions for use.* (A) Detailed directions for use may be omitted from labeling of pesticides which are intended for use only by manufacturers of products other than pesticide products in their regular manufacturing processes, provided that:

(1) The label clearly shows that the product is intended for use only in manufacturing processes and specifies the type(s) of products involved.

(2) Adequate information such as technical data sheets or bulletins, is available to the trade specifying the type of product involved and its proper use in manufacturing processes;

(3) The product will not come into the hands of the general public except after incorporation into finished products; and

(4) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(B) Detailed directions for use may be omitted from the labeling of pesticide products for which sale is limited to physicians, veterinarians, or druggists, provided that:

(1) The label clearly states that the product is for use only by physicians or veterinarians;

(2) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment; and

(3) The product is also a drug and regulated under the provisions of the Federal Food, Drug and Cosmetic Act.

(C) Detailed directions for use may be omitted from the labeling of pesticide products which are intended for use only by formulators in preparing pesticides for sale to the public, provided that:

(1) There is information readily available to the formulators on the composition, toxicity, methods of use, applicable restrictions or limitations, and effectiveness of the product for pesticide purposes;

(2) The label clearly states that the product is intended for use only in manufacturing, formulating, mixing, or repackaging for use as a pesticide and specifies the type(s) of pesticide products involved;

(3) The product as finally manufactured, formulated, mixed, or repackaged is registered; and

(4) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(2) *Contents of Directions for Use.* The directions for use shall include the following, under the heading "Directions for Use":

(i) The statement of use classification as prescribed in 162.10(j) immediately under the heading "Directions for Use."



(ii) Immediately below the statement of use classification, the statement "It is a violation of Federal law to use this product in a manner inconsistent with its labeling."

(iii) The site(s) of application, as for example the crops, animals, areas, or objects to be treated.

(iv) The target pest(s) associated with each site.

(v) The dosage rate associated with each site and pest.

(vi) The method of application, including instructions for dilution, if required, and type(s) of application apparatus or equipment required.

(vii) The frequency and timing of applications necessary to obtain effective results without causing unreasonable adverse effects on the environment.

(viii) Specific limitations on reentry to areas where the pesticide has been applied, meeting the requirements concerning reentry provided by 40 CFR Part 170.

(ix) Specific directions concerning the storage and disposal of the pesticide and its container, meeting the requirements of 40 CFR Part 165. These instructions shall be grouped and appear under the heading "Storage and Disposal." This heading must be set in type of the same minimum sizes as required for the child hazard warning (see table in § 162.10(h)(1)(iv)).

(x) Any limitations or restrictions on use required to prevent unreasonable adverse effects, such as:

(A) Required intervals between application and harvest of food or feed crops.

(B) Rotational crop restrictions.

(C) Warnings as required against use on certain crops, animals, objects, or in or adjacent to certain areas.

(D) For restricted use pesticides, the category or categories of certified applicator(s) to whom use is restricted unless the Agency has determined that the product may be used by any certified applicator.

(E) For restricted use pesticides, a statement that the pesticide may be applied under the direct supervision of a certified applicator who is not physically present at the site of application but nonetheless available to the person applying the pesticide, unless the Agency has determined that the pesticide may only be applied under the direct supervision of a certified applicator who is physically present.

(F) Other pertinent information which the Administrator determines to be necessary for the protection of man and the environment.

(j) *Statement of Use Classification.* By October 22, 1976, all pesticide products must bear on their labels a statement of use classification as described in subparagraphs (1) and (2) below. Any pesticide product for which some uses are classified for general use and others for restricted use shall be separately labeled according to the labeling standards set forth in this subsection, and shall be marketed as separate products with different registration numbers, one bearing directions only for general use(s) and

the other bearing directions for restricted use(s) except that, if a product has both restricted use(s) and general use(s), both of these uses may appear on a product labeled for restricted use. Such products shall be subject to the provisions of § 162.10(j)(2).

(1) *General Use Classification.* Pesticide products bearing directions for use(s) classified general shall be labeled with the exact words "General Classification" immediately below the heading "Directions for Use." Any reference to the general classification that suggests or implies that the general utility of the pesticide extends beyond those purposes and uses contained in the Directions for Use will be considered a false or misleading statement under the statutory definition of misbranding.

(2) *Restricted Use Classification.* Pesticide products bearing direction for use(s) classified restricted shall bear statements of restricted use classification on the front panel as described below:

(i) *Front panel statement of restricted use classification.* (A) At the top of the front panel of the label, set in type of the same minimum sizes as required for human hazard signal words (see table in § 162.10(h)(1)(iv)), and appearing with sufficient prominence relative to other text and graphic material on the front panel to make it unlikely to be overlooked under customary conditions of purchase and use, the statement "Restricted Use Pesticide" shall appear.

(B) Directly below this statement on the front panel, a summary statement of the terms of restriction imposed as a precondition to registration shall appear. If use is restricted to certified applicators, the following statement is required: "For retail sale to and application only by Certified Applicators or persons under their direct supervision." If, however, other regulatory restrictions are imposed, the Administrator will define the appropriate wording for the terms of restriction by regulation.

(k) Advertising (reserved)

#### § 162.11 Criteria for Determinations of Unreasonable Adverse Effects.

(a) *Criteria for Issuance of Notice of Intent to Deny Registration, Cancel Registration, or to Hold a Hearing.* (1) *Presumption.* (i) A rebuttable presumption shall arise that a notice of intent to deny registration pursuant to section 3(c)(6) of the Act, a notice of intent to cancel registration pursuant to section 6(b)(1) of the Act, or a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, shall be issued, upon a determination by the Administrator that the pesticide meets or exceeds any of the criteria for risk set forth in subparagraph (3). Upon such determination, the Administrator shall issue notice by certified mail to the applicant or registrant, as the case may be, stating that the applicant or registrant has the opportunity to submit evidence in rebuttal of such presumption in accordance with subparagraph (4) of this section. The appli-

cant or registrant shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption; provided, however, that for good cause shown the Administrator may grant an additional sixty (60) days in which such evidence may be submitted.

(ii) At any time an applicant or registrant may petition the Administrator to withdraw his application or terminate his registration. The Administrator may, in his discretion, deny any petition for withdrawal or for termination and proceed in accordance with these regulations.

(2) *Rebuttal of Presumption.* The party seeking new or continued registration may rebut the presumption arising under subparagraph (1) by sustaining the affirmative burden or proof set forth in subparagraph (4) of this § 162.11(a). After review of the evidence submitted in rebuttal of the presumption, the Administrator shall determine in accordance with subparagraph (4) of this § 162.11(a) whether the applicant or registrant has sustained his affirmative burden and shall issue notice of such determination in accordance with subparagraph (5) of this section.

(3) *Risk Criteria.* A rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) meet or exceed any of the following criteria for risk, as indicated by tests conducted with the animal species and pursuant to the test protocols specified in the Registration Guidelines, or by test results otherwise available.

(i) *Acute toxicity.* (A) *Hazard to Humans and Domestic Animals.* (1) Has an acute dermal LD<sub>50</sub> of 40 mg/kg or less as formulated; or

(2) Has an acute dermal LD<sub>50</sub> of 6 g/kg or less as diluted for use in the form of a mist or spray;

(3) Has an inhalation LC<sub>50</sub> of 0.04 mg/liter or less as formulated.

(B) *Hazard to Wildlife.* (1) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the acute oral LD<sub>50</sub> measured in mammalian test animals as specified in the Registration Guidelines.

(2) Occurs as a residue immediately following application in or on avian feed of an avian species, representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the subacute dietary LC<sub>50</sub> measured in avian test animals as specified in the Registration Guidelines.

(3) Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than 1/2 the acute LC<sub>50</sub> for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines.



(ii) *Chronic Toxicity.* (A) Induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure; or induces mutagenic effects, as determined by multitest evidence.

(B) Produces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety; or

(C) Can reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatality to members of endangered species.

(iii) *Lack of Emergency Treatments.* Has no known antidotal, palliative, or first aid treatments for amelioration of toxic effects in man resulting from a single exposure.

(4) *Burden of Proof.* Upon finding in accordance with subparagraph (1) of this § 162.11(a) that notice pursuant to sections 3(c)(6) or 6(b)(1) of the Act, or notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, shall issue on the basis that a pesticide meets or exceeds any of the criteria for risk set forth in subparagraph (3), the party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(i) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i), or (iii) that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or

(ii) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects.

(iii) That the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error.

(5) *Notice of Administrator's Determination.* (i) If after review of the evidence submitted in rebuttal, the Administrator determines that the applicant or registrant, as the case may be has rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of this § 162.11(a) then, if the application or registration is otherwise in compliance with the Act and these regulations, in accordance with section 3(c) and 6(b) of the Act he will register the

pesticide for such use or continue any such registration already in effect. In the case of an application for registration for which notice of approval is required to be published pursuant to § 162.7(d)(2), such notice shall state that the Administrator has determined that the presumption has been rebutted within the time provided for submission of rebuttal evidence. Such notice shall refer to the appropriate clause of § 162.11(a)(4)(i)-(ii) upon which the Administrator bases his determination that the presumption has been rebutted.

(ii) If the applicant or registrant, as the case may be, fails to submit any evidence in rebuttal, or if after review of the evidence submitted in rebuttal the Administrator determines that the applicant or registrant has not rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of this § 162.11(a), then he shall issue a notice in accordance with sections 3(c)(6), or 6(b)(1) of the Act or, issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, for the use(s) of the pesticide subject to such presumption and not rebutted. The Administrator shall issue such notice within one hundred and eighty (180) days from the date notice is sent to the applicant or registrant in accordance with subparagraph (1) of this § 162.11(a).

(iii) At the time that a registrant or applicant submits evidence in rebuttal of the presumption, he may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use. In determining whether to issue a notice pursuant to section 3(c)(6) or section 6(b)(1) or to issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with paragraph (a)(5)(ii) of this section 162.11, the Administrator may, in his discretion, take into account staff recommendations resulting from preliminary analysis, if any, concerning the balancing of risks against benefits. Any such preliminary analysis shall be completed within one hundred and fifty (150) days from the date notice is sent to the applicant or registrant in accordance with subparagraph (1) of this § 162.11(a). If based on such analysis the staff recommendation is that benefits appear to outweigh risks, the Administrator may, in his discretion, issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied rather than a notice pursuant to section 6(b)(1) or section 3(c)(6) of the Act. If the recommendation is that the benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate.

(6) *Additional Grounds for Issuance of Notice of Intent to Deny or Cancel Registration or to Hold a Hearing.* A notice pursuant to sections 3(c)(6) or 6(b)(1), or a notice of intent to hold a hearing to

determine whether the registration should be cancelled or denied, as appropriate, shall be issued by the Administrator with respect to any pesticide which does not meet or exceed the criteria for risk set forth in subparagraph (3) of this § 162.11(a), if the Administrator determines

(i) That, based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator, the pesticide poses a substantial question of safety to man or the environment, or

(ii) That the pesticide or its labeling or other material required to be submitted does not comply with the requirements of the Act or when used in accordance with widespread and commonly recognized practice, the pesticide generally causes unreasonable adverse effects on the environment.

(b) *Criteria for Issuance of a Final Order of Denial or Cancellation of Registration.* (1) *Burden of Proof.* (i) If the Administrator issues a notice pursuant to sections 3(c)(6) or 6(b)(1) of the Act in accordance with subparagraphs 5(ii) or (6) of § 162.11(a), he shall issue a final order denying or cancelling the registration unless the applicant or registrant or other affected party as provided by law, requests a hearing in accordance with sections 3(c)(6) or 6(b)(1) of the Act and 40 CFR Part 164 and sustains the affirmative burden of proving that the pesticide ingredient(s), metabolite(s) or degradation product(s) does not cause unreasonable adverse effects on the environment or man by showing:

(A) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraphs 3(i), and (iii) of § 162.11(a), that when considered with the formulation, packaging, method of use, proposed restrictions on use and the directions for use, and widespread and commonly recognized practice of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute or subacute adverse effects; or

(B) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph 3(ii) of § 162.11(a), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels likely to result in any significant chronic adverse effects; or

(C) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3)(i), (ii) or (iii) of § 162.11(a), the risks are outweighed by economic, social and environmental benefits of use of the pesticide.

(ii) If the Administrator issues a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with subparagraphs (5)(ii) and (6) of



§ 162.11(a) the Administrator shall issue a final order cancelling the registration unless

(A) The notice is withdrawn prior to the commencement of the hearing upon a determination by the Administrator that there is insufficient public interest in the proceeding to warrant holding the hearing or that it would not otherwise serve the public welfare; or

(B) The Administrator determines that based on the record:

(1) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraphs (3) (i) and (iii) § 162.11(a), that when considered with the formulation, packaging, method of use, proposed restrictions on use and the directions for use, and widespread and commonly recognized practice of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or

(2) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3) (ii) of § 162.11 (a), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels likely to result in any significant chronic adverse effects; or

(3) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3) (i), (ii), (iii), of § 162.11(a), the risks are outweighed by the economic, social and environmental benefits of use of the pesticide.

(2) *Additional Grounds for Issuance of a Final Order of Denial or Cancellation of Registration.* (i) If the Administrator issues a notice of denial of registration or a notice of intent to cancel registration in accordance with subparagraph (6) of § 162.11(a), he shall issue a final order denying or cancelling registration unless the applicant or registrant or other affected party as provided by law.

(A) Requests a hearing in accordance with sections 3(c) (6) and 6(b) (1) of the Act and 40 CFR Part 164; and

(B) Sustains the affirmative burden of proving that the pesticide does not cause unreasonable adverse effects on the environment or man;

(ii) If the Administrator issues a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with subparagraph (6) of § 162.11(a), he shall issue a final order cancelling registration unless;

(A) The notice is withdrawn prior to the commencement of the hearing upon a determination by the Administrator that there is insufficient public interest in the proceeding to warrant holding the hearing or that it would not otherwise serve the public welfare; or

(B) The Administrator determines that based on the record of the hearing the pesticide does not cause unreasonable adverse effects on the environment or man.

(c) *Use classification.* (1) *Classification criteria for new registrations.* Ex-

cept as provided in paragraph (c) (4) of this section, a specific use(s) of a pesticide product not previously registered shall be classified for general use if each of the applicable criteria set forth in paragraph (c) (1) (i)-(iii) of this section is met. Otherwise, the product use(s) shall be classified for restricted use unless a review of the labeling pursuant to paragraph (c) (3) of this section indicates that the product use may be classified for general use or the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. Each of the separate criteria as set forth below must be applied for the product use(s) to be classified unless the formulation, packaging, or method of use of the product can reasonably be expected to eliminate the route of exposure. New data submitted to support classification must conform to the specifications of the Registration Guidelines.

(i) *Domestic applications.* A pesticide use(s) intended for domestic application will be a candidate for general use classification if the pesticide formulation:

(A) Has an acute dermal LD<sub>50</sub> greater than 2,000 mg/kg;

(B) Has an inhalation LC<sub>50</sub> greater than 2 mg/liter;

(C) Causes no corneal opacity, or causes eye irritation reversible within 7 days or less;

(D) Causes no more than moderate skin irritation within 72 hours;

(E) Has an acute oral LD<sub>50</sub> greater than 1.5 g/kg for the formulation as diluted for use; and

(F) Causes, under conditions of label use or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed effects on man or other nontarget organisms from single or multiple exposures to the product ingredient(s), their metabolite(s), or degradation product(s).

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic application will be a candidate for general use classification if the pesticide formulation:

(A) Has an acute dermal LD<sub>50</sub> greater than 200 mg/kg;

(B) Has an acute dermal LD<sub>50</sub> greater than 16 g/kg for the formulation as diluted for use as a mist or spray;

(C) Has an inhalation LD<sub>50</sub> greater than .2 mg/liter;

(D) Is not corrosive to the eye or causes corneal opacity reversible within 7 days;

(E) Is not corrosive to the skin and causes no more than severe skin irritation within 72 hours; and

(F) Causes under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed toxic effects on man or other nontarget organisms from single or multiple exposures to the product ingredient(s), their metabolite(s), or degradation product(s).

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be a candidate for general use classification if it meets the applicable set of

criteria set forth immediately above for either domestic or nondomestic application, as appropriate, and if the pesticide:

(A) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than 1/5 the acute oral LD<sub>50</sub>, measured in mammalian test animals as specified in the Registration Guidelines.

(B) Occurs as a residue immediately following application in or on the feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than 1/5 the subacute dietary LC<sub>50</sub> measured in avian test animals as specified in the Registration Guidelines.

(C) Results in a maximum calculated concentration following direct application to a 6-inch layer of water less than 1/10 the acute LC<sub>50</sub> for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(2) *Classification criteria for previously registered products.* All pesticide products registered by this Agency prior to October 21, 1974 have been assigned a Toxicity Category [see § 162.10(h) (1)]. Unless the applicant for reregistration submits or has submitted the toxicity data on the product use(s) required in paragraph (c) (1) of this section, the existing Toxicity Category determinations shall be used to establish whether the pesticide use(s) is a candidate for general or restricted use classification. Except as provided in paragraph (c) (4) of this section, specific use(s) of a product shall be classified for general use if the applicable criteria set forth in paragraph (c) (2) (i)-(iii) of this section are met. Otherwise, the product use shall be classified for restricted use unless a review of the labeling pursuant to paragraph (3) below indicates that the use may be classified for general use or the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. Each of the separate criteria as set forth below must be applied for the product use(s) to be classified unless the formulation, packaging, or method of use of the product can reasonably be expected to eliminate the route of exposure.

(i) *Domestic applications.* A pesticide use(s) intended for domestic application shall be a candidate for general use classification if the pesticide formulation:

(A) Does not meet the criteria of Toxicity Category I or II; and



(B) Causes, under conditions of label use, or widespread and commonly recognized practice of use, minor or no discernible subacute, chronic, or delayed effects on man or other nontarget organisms from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic application shall be a candidate for general use classification if the pesticide formulation:

(A) Does not meet the criteria of Toxicity Category I; and

(B) Causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed toxic effects on man or other nontarget organisms from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be a candidate for general use classification if it meets the applicable set of criteria set forth immediately above for either domestic or nondomestic application as appropriate, and if the pesticide:

(A) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than  $\frac{1}{5}$  the acute oral LD<sub>50</sub> measured in mammalian test animals as specified in the Registration Guidelines.

(B) Occurs as a residue immediately following application in or on the feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species at levels less than  $\frac{1}{5}$  the subacute dietary LC<sub>50</sub> measured in avian test animals as specified in the Registration Guidelines.

(C) Results in a maximum calculated concentration following direct application to a 6-inch layer of water less than  $\frac{1}{10}$  the acute LC<sub>50</sub> for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as specified in the Registration Guidelines.

(D) The pesticide causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites, or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(3) *Adequacy of label and labeling.* The directions, warnings, and cautions for any product use(s) not meeting the criteria set forth in paragraphs (c) (1)

and (2) of this section shall be further evaluated according to the criteria set forth below to determine the adequacy of the label or labeling to prevent unreasonable adverse effects on man or the environment. If these criteria are met, the labeling for the affected uses will be considered adequate to prevent unreasonable adverse effects on the environment without further regulatory restrictions, and the affected uses will be classified for general use. The criteria for evaluating labeling adequacy are as follows:

(i) To follow label directions, the user of a pesticide product would not have to perform complex operations or procedures requiring specialized training and/or experience;

(ii) Failure to follow the use directions in any minor way would result in minor or no discernible adverse effects;

(iii) Widespread and commonly recognized practices of use would not nullify label directions relative to prevention of unreasonable adverse effects on man and the environment;

(iv) The directions do not call for specialized apparatus, protective equipment or material unless they would be expected to be available to the general public;

(v) Following directions for use would result in only minor or no discernible adverse effects of a delayed or indirect nature, such as through bioaccumulation, persistence, or pesticide movement from the original application site, on nontarget organisms.

(4) *Other Hazards.* Any product use(s) which meets the general use criteria of paragraph (c) (1), (2), or (3) of this section shall nonetheless be classified for restricted use if the Agency determines that based on human toxicological data (including epidemiological studies), use history, accident data, monitoring data, or such other evidence as the Administrator identifies the product use(s) may pose a serious hazard to man or the environment which can reasonably be prevented by classification for restricted use.

(5) *Other regulatory restrictions.* Any product use(s) classified for restricted use under the provisions above may be limited to use by or under the direct supervision of a certified applicator. The Administrator may additionally or alternatively impose other restrictions by regulation. Such regulatory restrictions may include, but are not limited to, seasonal or regional limitations, limitation of use to approved pest management programs, or a requirement for monitoring of residue levels after use, and may be utilized to reduce human health and environmental hazards associated with persistent, bioaccumulative, or mobile, or highly toxic pesticides. Any such regulation shall be reviewable in the appropriate Court of Appeals upon petition of a person adversely affected filed within 60 days of the publication of such regulation in final form.

(d) *Change in classification from gen-*

*eral to restricted use.* (1) *Determination and notification.* If the Administrator determines that a change in classification of any pesticide product use(s) from general to restricted use is necessary to prevent unreasonable adverse effects on man or the environment he shall, by certified mail, notify the registrant of such pesticide of such determination at least 30 days before reclassifying, and shall publish notice of the proposed reclassification in the FEDERAL REGISTER.

(2) *Appeal rights.* Within 30 days following publication of the notice in the FEDERAL REGISTER, the registrant, or a person adversely affected by the notice may request a hearing as provided for in section 6(b) of the Act and Part 164 of these regulations.

#### § 162.12 Guaranty of pesticide.

(a) *By whom given; Effect of guaranty.* Any producer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells a pesticide a guaranty that the pesticide was lawfully registered at the time of sale and delivery to such person, and that the pesticide complies with all the requirements of the Act and the regulations in this part. Section 12 (b) (1) of the Act provides that penalties for violation of section 12(a) (1) of the Act shall not apply to a person who establishes that he has received a guaranty as specified under the Act and these regulations, and that in such case the guarantor shall be subject to the penalty provisions.

(b) *Reference to guaranty.* No reference to a guaranty or suggestion that such a guaranty has been given shall be made in the labeling of any pesticide.

(c) *Contents of guaranty.* In order to afford effective protection, each guaranty must: Be signed by and contain the name and address of the registrant or person residing in the United States from whom the pesticide in the same unbroken package was purchased or received in good faith; and state that the pesticide was lawfully registered at the time of sale and delivery and that it complies with the other requirements of the Act.

(d) *Scope of guaranty.* A guaranty may be limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery; or it may be general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guaranty.

(e) *Expiration of guaranty.* Any guaranty shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person giving the guaranty.

(f) *Forms of guaranty.* The following are suggested forms of guaranty:



(1) Limited form for use on invoice or bill of sale: ----- hereby

(Name of guarantor)

guarantees that the pesticide herein listed is lawfully registered with the United States Environmental Protection Agency and that it complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

-----  
(Signature and post office address of guarantor)

-----  
(Date)

(2) General and continuing form:

The pesticides comprising each shipment or other delivery hereafter made by -----

(Name of

-----, to or on the order of guarantor)

-----  
(Name and address of person receiving guarantee)

are hereby guaranteed to be lawfully registered with the United States Environmental Protection Agency and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

-----  
(Signature and post office address of guarantor)

-----  
(Date)

#### § 162.13 Coloration and discoloration.

Section 25(c)(5) of the Act authorizes the Administrator to prescribe regulations requiring coloration or discoloration of any pesticide if he determines that such requirement is feasible and necessary for the protection of health and the environment. White pesticides hereinafter named and white products containing a substantial quantity of these pesticides shall be colored or discolored in accordance with this section. The Agency shall use the Munsell Book of Color as a color standard.

(a) *Coloring Agent.* The coloring agent must produce a uniformly colored product not subject to change beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage and must not cause the product to be ineffective or result in its causing damage to nontarget organisms when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 2 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Administrator, after opportunity for hearing, may permit

other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and is not necessary for the protection of health and the environment.

(2) Any pesticide specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dryer as mothproofing agent, and which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, may be exempted by the Administrator from the requirements of Section 25(c)(5) of the Act and the requirements of this section.

(3) The pesticide sodium fluoride shall be exempt from the requirements of the Act and paragraph (c) of this section when:

(i) It is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods;

(ii) Coloration of the pesticide in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods;

(iii) The pesticide will not be present in such finished goods in sufficient quantities to cause injury to any person; and

(iv) The pesticide will not come into the hands of the public except after incorporation into such finished goods.

#### § 162.14 Forms of plant and animal life and viruses declared to be pests.

(a) *General.* Section 25(c)(1) of the Act provides that the Administrator may declare a pest any form of plant or animal life (other than man and other than bacteria, viruses, and other microorganisms on or in living man or other living animals) which is injurious to health or the environment.

(b) *Pests declared.* Each of the following forms of plant and animal life and viruses is declared to be a pest when it exists under circumstances that make it deleterious to man or the environment:

(1) Vertebrate animals (other than man), including but not limited to mammals, birds, fish, amphibians, and reptiles.

(2) Invertebrate animals (other than internal parasites of living man or other living animals), including but not limited to insects and other arthropods, nematodes, and mollusks such as slugs and snails.

(3) Plants growing where not wanted, including mosses, liverworts, and all plants of higher orders, and plant parts such as roots.

(4) Microorganisms (other than those on or in living man or other living animals, and those on or in processed food, beverages, pharmaceuticals including cosmetics), including but not limited to algae, fungi, and bacteria.

(5) Viruses (other than those on or in living man or other animals and those on or in food, beverages, and pharmaceuticals including cosmetic).

#### § 162.15 Devices subject to the act.

(a) *General.* Section 25(c)(4) of the Act provides that the Administrator may

specify devices which are subject to any provision of paragraph 2(q)(1) or section 7 of the Act. Accordingly, any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals), but not including equipment used for the application of pesticides when sold separately therefrom, is subject to the requirements of paragraph (b) below.

(b) *Provisions Applicable to Devices.* Each device shall be subject to sections 2(q)(1)(A), (B), (C), (D), (E), (F), and (G) and those provisions of Section 7, and the regulations promulgated thereunder, necessary to effectuate the purposes of the Act.

#### § 162.16 Pesticides requiring special packaging [Reserved].

#### § 162.17 Registration requirement for intrastate products.

(a) *General.* Pesticide products currently registered under State pesticide registration laws and shipped or distributed for sale solely within intrastate commerce must be registered under the provisions of the Act and section 162.8(b) of these regulations, unless registered pursuant to section 24(c) of the Act and the regulations promulgated thereunder, provided, however, that the requirement of § 162.8(b)(2) for efficacy data may be waived on the basis of scientific data or findings and recommendations of a state agricultural experiment station or other state or federal agency authorized by law to conduct pesticide research, pest control activities or programs for the protection of environmental quality or natural resources, unless evidence comes to the attention of the Administrator that indicates that data regarding the efficacy of the pesticide product should be submitted. The Administrator may in addition initiate the waiver of another data requirement, in accordance with the standard of § 162.8(a)(3) in his notice to the applicant to submit a full application for federal registration, as specified in this paragraph (a). Within sixty (60) days of the effective date of this Part, each registrant of a product registered solely under State law must submit a notice of application for Federal registration. Each state registrant who submits such a notice will then be notified by the Agency when to submit a full application statement for Federal registration, including required supporting data as prescribed under Section 3 of the Act and this Part. Pending the final registration decision either approving or denying the registration application, the State registrant may continue to sell or distribute the product solely within intrastate commerce subject to the requirements of paragraph (f) of this section.

(b) *State Registration Authority.* A state may not issue any pesticide registration after the effective date of this Part except for pesticide registrations issued in accordance with section 24(c) of the Act and the regulations



promulgated thereunder. States may renew a registration provided that:

(i) The state registration was in effect on the effective date of this Part; and

(ii) The state registrant has submitted a notice of application pursuant to this section.

(c) *Intrastate Pesticide Products Currently Bearing No Valid State Registration.* Products currently being shipped, distributed, and sold solely within intrastate commerce and which are not legally required to be registered under State law must meet the registration requirement of the Act if the product is a pesticide as defined in the Act and § 162.3(ff) of this Part. No person may distribute, sell, offer for sale, hold for sale, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any such product until the product has been finally registered pursuant to the Act and regulations of this Part.

(d) *Contents of notice.* To meet the requirement of paragraph (a) above, each state registrant shall submit on forms provided by the Agency the following information for each affected product:

(1) The name and mailing address of the registrant;

(2) The name of the State in which the product is registered;

(3) The State registration number of the product;

(4) The product name;

(5) A list of the product's active ingredients in descending order of concentration;

(6) The type and broad use pattern of the product; and

(7) Two complete copies of the labeling as approved by the State.

(e) *Failure to Apply.* Failure to file an application notice of Federal registration within sixty (60) days of the effective date of this Part for products meeting the requirements of paragraph (a) above shall be a violation of section 12(a)(1)(A) of the Act.

(f) *Applicable Requirements Pending Registration Decision.* Any product meeting the requirements of paragraph (a) and for which a notice of Federal application has been submitted may be shipped or distributed within intrastate commerce pending a final approval or denial of the federal registration application subject to the following requirements of the Act and the regulations promulgated thereunder:

(1) Section 12(a)(1)(D), 12(a)(1)(E), in accordance with the definitions of:

(A) Sections 2(q)(1)(A), (B), (C), (D), (E), (F), and (G) (except as these sections relate to section 3(d) of the Act); and

(B) Sections 2(q)(2)(A), 2(q)(2)(C) except (v), and 2(q)(2)(D).

(2) Section 12(a)(1)(F) except insofar as it relates to sections 25(c)(4), 12(a)(2)(A), (B), (C), (D), (G), (H), (I), (J), (K), (L), (M), (N), (O), and (P).

§ 162.18 [Reserved]

§ 162.19 [Reserved]

§ 162.20 [Reserved]

## § 162.21 Rules concerning certain pesticides.

(a) *Requirement of separate registration.* (1) *Fertilizer-pesticide combinations.* At the option of the Administrator, fertilizer-pesticide combinations, in which the amount of fertilizer to be applied or percentage of fertilizer components varies and the application rate of the pesticide remains constant, may be registered as a single pesticide provided that the range proposed would not require modification in the precautionary labeling.

(2) *Paint-pesticide mixtures.* At the option of the Administrator, paint-pesticide combinations in which the only variation is in the type or color of the pigment may be registered as a single pesticide. The specific formulations must be submitted, and the colors may be specified as additional brand names.

(3) *Other pigment-pesticide mixtures.* At the option of the Administrator, pesticide products which have a variation in pigment, including but not limited to shelf paper and pet collars, in which the only variation is the type or color of the pigment, may be registered as a single pesticide. The specific formulation must be submitted, and the colors may be specified as additional brand names.

(b) *Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products.* (1) Test methods currently available to evaluate residual antimicrobial activity do not adequately simulate conditions of use. Until such time as acceptable tests are available that demonstrate antimicrobial activity by dry residues of pesticides against dry inocula of microorganisms, registrations for pesticides making claims as to residual bacteriostatic or self-sanitizing activity will be treated as outlined in paragraph (2) below. The provisions of paragraph (2) are also applicable to any claims of residual effectiveness against fungi which are pathogenic to man or other animals.

(2) (i) Claims for antimicrobial activity of chemical residues on surfaces that are likely to become wetted must be restricted to practical value which is likely to be provided and which can be associated with actual in-use situations, providing that data to substantiate such claims are submitted to the Registration Division, Office of Pesticide Programs, United States Environmental Protection Agency and are found to be acceptable.

(ii) Claims for residual bacteriostatic or self-sanitizing activity on surfaces that are likely to remain dry are not acceptable unless adequate data to substantiate the claims based on in-use or simulated in-use studies are submitted and found to be acceptable.

## § 162.22 Petitions to amend.

Several commenters argued that they have not been able to make full comments on the effect of the Regulations without an opportunity to review the Guidelines simultaneously. However, drafts of the Guidelines were circulated among all interested parties over the last

two years. Industry and environmental groups have had ample opportunity to comment on each draft, several of which have been available during the comment period for the proposed regulations. The proposed Guidelines, which will be available for 60 days of comment very shortly are substantially the same as the last drafts which were circulated to the public. Although the Agency believes that these regulations and the Guidelines can be meaningfully reviewed independently, and that, in any event, the Guidelines have been available for review after proposal of the regulations, the Agency will receive comment during the Guideline comment period on those provisions in these regulations which directly relate to the Guidelines. Any such comments received during the 60 day comment period for the Guidelines which request modifications in those portions of these regulations directly related to the Guidelines will be treated as petitions to amend the regulations and should fully set forth the reasons for the proposed modification and the proposed modification itself. These comments should be sent in triplicate to: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 "M" St. SW., Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section, from 8:30 a.m. to 4 p.m., Monday through Friday.

## § 162.23 Effective date.

This part becomes effective on Aug. 4, 1975, with the following exceptions:

1. Applications for new registration and amended registration which have been received (on hand) or submitted (post marked) on or before the date of this publication, and are pending on the date of publication of these regulations, will continue to be processed to a decision regarding acceptance under the existing regulations. In those cases where the decision is to reject or deny the application, any resubmission will be processed under the regulations of this Part.

2. Applications for registration of new compounds or new products and for amendments to existing registrations submitted after the publication of these regulations, will not be accepted until after the effective date of these regulations.

3. Procedures to be followed by applicants for reregistration will be published in the FEDERAL REGISTER prior to the effective date of these regulations. Applications for reregistration may not be filed except in accordance with those procedures and the regulations of this Part.

4. Applications for supplemental registration of distributor products will continue to be processed under the existing regulations until the effective date of these regulations at which time they will be processed pursuant to the regulations of this Part.

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PART III



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## DEPARTMENT OF THE INTERIOR

Office of the Secretary



### EMPLOYEE RESPONSIBILITIES AND CONDUCT

Revised Requirements and Procedures



## Title 43—Public Lands: Interior

## SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

## PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The regulations of the Department of the Interior governing the conduct and responsibilities of regular and special employees of the Department are revised. The revision involves extensive reorganization and editing of regulations previously published, deletion of obsolete provisions and addition of new requirements and procedures related to conflict of interest matters. The specific new or expanded provisions of most significance include the following:

1. Section 20.735-3 prescribes new organizational responsibilities for administration of employee conduct and conflict of interest regulations.

2. Section 20.735-12 incorporates statutory restrictions applicable to specific bureaus of the Department into Departmental regulations.

3. Section 20.735-13 extends specific prohibitions of interests in certain industries or lands to employees of the Mining Enforcement and Safety Administration, Geological Survey and selected groups within the Office of the Secretary.

4. Section 20.735-14 includes revised restrictions related to the special interests of employees in Indian and Alaska Native organizations.

5. Section 20.735-21 establishes requirements for affected employees to certify that they are aware of and in compliance with the specific restrictions cited in sections 20.735-12 and 13.

6. Section 20.735-22 includes expanded criteria and procedures for filing of employee statements of employment and financial interest.

7. Section 20.735-23 includes expanded procedures for review and analysis of employee statements of employment and financial interest.

8. Section 20.735-24 describes actions which may be ordered to remedy a conflict or apparent conflict between an employee's official position and private interests.

9. Section 20.735-25 establishes new appeals procedures applicable to orders to remedy conflict or apparent conflict situations.

10. Section 20.735-43 establishes revised procedures for the filing of statements of employment and financial interests by special Government employees.

Paragraph 20.735-22(a) of the revised regulations provides that employees " \* \* \* whose position is listed in Appendix C to this part shall file a statement of Employment and Financial Interest. (form DI-212)." The listing of positions published on December 6, 1974 (39 FR 42681), as an Appendix to 43 CFR 20.735 has not been revised. Pending revision of the listing and its publication as Appendix C, the Appendix published on December 6, 1974, shall remain in effect as

the listing of positions for which statements are required.

Because Part 20 consists of rules of agency organization, procedure and practice, adoption of the revised Part 20 through the rulemaking procedure prescribed in 5 U.S.C. 553 is not required and the revised Part 20 is accordingly adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, on rulemaking procedures, interested persons may, however, submit written comments, suggestions, data or arguments concerning the revised Part 20 to the Director, Office of Audit and Investigations, U.S. Department of the Interior, Washington, D.C. 20240, on or before August 1, 1975. All such comments received will be given full consideration.

This revision of Part 20 was approved by the Civil Service Commission on June 18, 1975, and shall be effective July 3, 1975.

Dated: June 30, 1975.

STANLEY K. HATHAWAY,  
*Secretary of the Interior.*

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APPENDIX B-1 CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS (FORM DI-212)

APPENDIX B-2 CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS (FORM DI-213)

AUTHORITY: The provisions of this Part 20 issued under E. O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964-1965, Comp.; 5 CFR 735.104; 5 U.S.C. 301.

## Subpart A—General Provisions

## § 20.735-1 Policy and general responsibilities.

(a) *Purpose.* These regulations set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. The regulations are applicable to all regular and special employees of the Department. Exceptions to this general provision are stated in the specific section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Civil Service Commission regulations and Department regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Conformance with policy.* Employees are required to carry out the announced policies and programs of the Department. The right of employees to express personal opinions and points of view will be respected. Such opinions or points of view will not, however, reduce the employee's responsibility to effectively perform the duties which he or she is assigned. An employee is subject to appropriate disciplinary action if he or she fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of



superiors having responsibility for his or her performance.

(d) *Bureau responsibility* (1) Heads of bureaus and offices authorized to take action under § 20.735-3 shall establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau or office. They shall be approved by the Department Ethics Counselor before they are issued.

(2) Copies of the regulations in this part shall be given to each employee and special Government employee upon entrance to duty. Each bureau and office shall remind its employees and special Government employees of the regulations in this part at least once annually, through a publication or memorandum issued to all employees. In addition, announcements of vacancies in those positions for which a statement of employment and financial interest is required (§ 20.735-22) will alert applicants to the filing requirement.

(e) *Employee responsibility*. It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest employees may obtain authoritative advice and guidance from Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, or the Department Ethics Counselor (§ 20.735-3). In addition, policy and decision-making officials should be careful in dealing with representatives of private industry so as not to give an opinion or decision contrary to expressed Department or bureau policy. A memorandum of discussion may be prepared to document discussions with representatives of private industry for future reference.

(f) *Conduct codes of specific groups*. Special codes of conduct may be developed, or adopted if established by the profession in which the employee is engaged, by the Department for specific groups of employees engaged in the same occupation or profession. Special codes of conduct may be considered in cases where (1) the number of employees involved is large, or (2) the work is performed by members of the group with minimum direct supervision. Proposals for special codes of conduct including procedures for their implementation will be submitted to the Department Ethics Counselor for approval. The Office of Organization and Personnel Management and the Office of the Solicitor shall concur in such codes before they are issued.

#### § 20.735-2 Definitions.

"Bureau." Refers to program-oriented organization of the Department of the Interior, such as the Geological Survey,

Bureau of Mines, or the Mining Enforcement and Safety Administration.

"Office." Refers to the specific offices to which authority to administer employee conduct regulations is delegated by § 20.735-3.

"Employee." Refers to a regular officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 days.

"Executive Order." Refers to Executive Order 11222 of May 8, 1965.

"Special Government Employee." Refers to an employee or officer of the Department of the Interior who is retained, designated, appointed, or employed to perform temporary duties with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis (18 U.S.C. 202).

#### § 20.735-3 Delegations of authority and channels for counseling.

(a) *Designation of Ethics Counselors*.

(1) The Assistant Secretary-Management is responsible for administering the regulations governing the conduct and responsibilities of employees in the Department of the Interior. The Assistant Secretary-Management shall designate a Department Ethics Counselor who shall:

(i) Provide advice, assistance, and guidance to all levels of Ethics Counselors within the Department.

(ii) Monitor the conflict of interest program, using reports requested of bureaus and offices and periodic audits performed by the Office of Audit and Investigation. These audits will be conducted on a cyclical basis to ensure that each bureau or office is reviewed at least once every three years or upon request of the Department Ethics Counselor.

(iii) Review statements of employment and financial interests for those Department employees cited in § 20.735-22(c) (1).

(iv) Elect to exercise, for reasonable cause, the authorities and responsibilities of any other Ethics Counselor within the Department either for the duration of an individual case or totally for a period not to exceed six months.

(2) Each bureau head, the Solicitor, the Director of the Office of Hearings and Appeals, and the Director of the Office of Water Research and Technology are designated as Ethics Counselors. Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus or offices.

(3) Each Ethics Counselor shall designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus or offices under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situa-

tions, and answering employee conduct questions.

(4) Each Ethics Counselor may also designate regional or area personnel officers (or other qualified employee) as Assistant Ethics Counselors to perform the operational duties of the Ethics Counselor at the field office level. Assistant Ethics Counselors may be designated within the bureau or office headquarters provided the Department Ethics Counselor concurs in the need for such Assistants.

(5) The Chief, Division of Personnel Services, Office of Secretarial Operations, is designated Deputy Ethics Counselor for employees and special Government employees of the Office of the Secretary and other offices for which personnel services are provided by this division. The Assistant Secretary-Management shall perform the functions of a bureau or office Ethics Counselor with respect to these employees. The Office of Hearings and Appeals, the Office of the Solicitor, the Office of Water Research and Technology, and those employees identified specifically within the responsibilities of the Department Ethics Counselor are excluded from the provisions of this paragraph.

(b) *Channels for counseling*. (1) Each employee and special Government employee shall be informed annually by the bureau or office head of the name, address, and telephone number of the Ethics Counselor whom he or she may contact.

(2) It is the Department's policy to encourage responsible disposition of counseling requests at the level at which they are first received. Ethics Counselors, if located in the field, may seek advice from Regional Solicitors, or from the Associate Solicitor for General Law if located in Washington, D.C. Matters of unusual significance or complexity may be referred through channels to the Department Ethics Counselor.

(3) Employees may also request counseling assistance from the Regional Solicitors or the Associate Solicitor for General Law, as appropriate. Such requests will be made through the Ethics Counselor serving their office.

#### § 20.735-4 Sanctions.

Violations of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Such disciplinary action shall be taken in accordance with applicable laws, Executive Orders, or regulations (see Federal Personnel Manual and additions thereto).

#### Subpart B—Conflict of Interest

##### § 20.735-11 Scope of subpart.

(a) *Content*. This subpart prescribes policies and procedures for the avoidance of conflicting interests in connection with an employee's Government position or in the discharge of his or her official responsibilities, and sets out the requirements for reporting and reviewing financial interests and outside employment.



(b) *Types of requirements.* All employees are subject to two types of requirements in connection with apparent or actual conflicting financial interests. One is a criminal statute, 18 U.S.C. 208, which by its terms prohibits participation by any employee in certain official activities where he or she has a conflicting personal financial interest. Other requirements have been established under Executive Order 11222. The Executive Order and Civil Service Commission regulations require that employees occupying certain Government positions must report all personal interests and outside employment by filing a statement of employment and financial interests. The statute and the Executive Order have the common objective of deterring the occurrence of conflicting financial interest situations. The statute prohibits and punishes, while the Executive Order requires the statement of employment and financial interests which is intended to serve as an aid to the employee and those who review his or her statement in avoidance of the conflicting situation through advice and counseling.

(c) *General applicability.* The requirements of 18 U.S.C. 208 apply to all employees of the Department notwithstanding the requirement under this subpart for filing a statement of employment and financial interests by certain employees. All employees shall avoid acquiring a financial interest or taking any action that could result in a violation of 18 U.S.C. 208 or of these regulations.

#### § 20.735-12 Statutory prohibitions.

(a) The statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are sections 203, 205, 207, 208, and 209 of Title 18 of the United States Code. The Department of Justice, in a memorandum of January 28, 1963 (28 FR 985; 18 U.S.C. 201, note) summarized the main provisions of conflict of interest laws as follows:

A regular officer or employee of the Government—that is, one appointed or employed to serve more than 130 days in any period of 365 days—is in general subject to the following major prohibitions (the citations are to the new sections of Title 18 of the United States Code):

1. He may not, except in the discharge of his official duties represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United

States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restraint described in paragraph 3 if the matter is one in which he participated personally and substantially.

5. He may not receive any salary, or supplementation of his Government salary, from a private source as compensation of his services to the Government (18 U.S.C. 209).

(b) In addition to the general provisions contained in Title 18 U.S.C. the following restrictions are imposed specifically on selected Department of the Interior employees by other statutes.

(1) 43 U.S.C. 11 applies to the Bureau of Land Management employees. Section 11 provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

An employee, or the spouse of an employee, or the spouse of an employee, stationed in Alaska may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska.

(2) 30 U.S.C. 6 imposes certain restrictions upon Bureau of Mines employees. Section 6 provides:

In conducting inquiries and investigations authorized under sections 1, 3, and 5 to 7 of this Title neither the Director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property.

Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed \$10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

(3) 43 U.S.C. 31(a) imposes certain restrictions upon Geological Survey employees. Section 31(a) provides in part:

The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

Employees of the Geological Survey are restricted by section 31(a) from holding personal or private interests, direct or indirect, in lands whose title is in the United States. They are also restricted from holding personal or private interest, direct or indirect, in the mineral wealth of such lands. This latter provision is extended by 20.735-13(b) to restrict employees of the Geological Survey from holding substantial personal or private interests, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

(4) 25 U.S.C. 68, which concerns trading with Indians provides:

No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of \$5,000, and shall be removed from his office.

#### § 20.735-13 Specific prohibitions imposed by regulations.

(a) *Mining Enforcement and Safety Administration employees.* Neither the Administrator nor any member of the Mining Enforcement and Safety Administration shall have any personal or private interest, direct or indirect, in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Mining Enforcement and Safety Administration in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by the Mining Enforcement and Safety Administration. The Administrator of the Mining Enforcement and Safety Administration may authorize exceptions to this restriction on an individual basis for cause.

(b) *Geological Survey employees.* In addition to the statutory restrictions cited in § 20.735-12(b) (3), employees of the Geological Survey shall not hold substantial personal or private interests, direct or indirect, in any private mining enterprise doing business in the United States. The Director of Geological Survey may authorize exceptions to this restriction on an individual basis for cause.

(c) *Office of the Secretary.* The statutory restrictions quoted in § 20.735-12(b) shall also apply to the employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a statement of employment and financial interests. The Secretary may authorize exceptions to these restrictions for individual employees or a class of employees for cause.

#### § 20.735-14 Indian and Alaska Native organizations.

(a) *General restrictions.* Indian and Alaska Native employees are subject to the general restrictions on financial interests set forth in § 20.735-15 and on outside work set forth in § 20.735-16.

(b) *Special conditions.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs are members of federally recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. Additionally, by operation of law and



policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and is pursuing a policy of Indian Self-Determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior or ownership of interests in an Indian or Alaska Native corporation established under the Indian Reorganization Act or the Alaska Native Claims Settlement Act shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) An Indian or Alaska Native employee of the Bureau of Indian Affairs may not serve as an officer or representative of his or her tribe, band, pueblo or corporation if the tribe, band, pueblo or corporation is within the jurisdiction or area of responsibility of the office to which the employee is assigned.

(2) An Indian or Alaska Native employee of the Department shall not make nor participate in a substantial manner in any decision of the Department if he has a private direct interest as defined in § 20.735-15(b) in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a private direct interest.

(3) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department except employees or consultants who are members of boards or other organization which have as a principal purpose consultation with the Department or Bureau of Indian Affairs on the programs and policies of the Department related to Indians and Alaska Natives.

(4) The terms "officer or representative" as used in this section mean the occupant of an elective or other position in the official governing body of the tribe, band, pueblo or corporation or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(c) *Exceptions.* The Commissioner of Indian Affairs may make exceptions to the restrictions contained in this section when circumstances justify. Criteria and procedures for such exceptions shall be published by the Commissioner with the approval of the Department Ethics Counselor and provided to the Indian and Alaska Native organizations to which the restrictions apply.

#### § 20.735-15 Financial interests.

(a) No Department employee shall:

(1) Have a direct or indirect financial interest that conflicts substantially, or

appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction resulting from, or primarily relying on, information obtained through his or her Government employment.

(3) Have an interest in a contract with the Government or with the Indians for the purchase, transportation, or delivery of goods or supplies for the Indians (18 U.S.C. 437). While Federal employees may, under regulations of the Secretary, purchase products, services or commodities from Indians, such purchases may not be made for the purposes of resale (25 U.S.C. 87(a)).

(b) *Definitions:*

"Apparent Conflict." A situation where a reasonable member of the public could suppose an employee to be in conflict, even though he or she might not be.

"Conflict." A situation where an employee's public duty is or will be affected by his or her interest, such as when the employee owns or has an interest in a company, land, or other entity, which is or will be affected by operations or decisions he or she makes or in which he or she is involved.

"Direct Interest." Ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest includes the holdings of a spouse and minor child. The holdings of other relatives who live in the employee's home are also considered to be direct interest of the employee.

"Indirect Interest." Ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. This is considered the same as a Direct Interest insofar as these regulations are concerned (except as qualified by § 20.735-24(a) (3) and (4)).

#### § 20.735-16 Outside work and interests.

(a) *Policy.* Outside work is permitted to the extent that it does not prevent an employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the Department or tend to create a conflict between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(b) *Definitions:*

"Active Proprietary Management." An outside work business affiliation in which ownership is coupled with responsibility for day to day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

"Outside Work." All gainful employment other than the performance of official duties including but not limited to self-employment, working for another employer, the management or operation of a private business business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(c) *Restrictions.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls in this category. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This includes acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.

(3) A Bureau of Mines or Mining Enforcement and Safety Administration employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration.

(4) A Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration.

(5) Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their Ethics Counselors before committing themselves to such activities.

(6) An employee shall not perform outside work:

(i) Which is of such a nature that it may be reasonably construed by the public to be the official act of the Department; or

(ii) Which involves the use of Government facilities, equipment, and supplies of whatever kind; or

(iii) Which involves the use of official information not available to the public.

(7) While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he or she performs for the Government, no employee may perform outside work:

(i) If the work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) If the work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.



(8) A Government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person particularly one with whom he or she has family, business or financial ties.

(9) This section does not preclude an employee from:

(i) Participation in the activities of national or state political parties which are not otherwise prohibited by law (§§ 20.735-37 (i) and (j)); or

(ii) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

#### § 20.735.21 Certificates of disclaimer

Each employee covered by the restrictions in § 20.735-12 and § 20.735-13 will sign a certificate upon entrance to duty or upon transfer between bureaus or offices indicating that he or she is aware of the restrictions pertinent to his or her employment and that he or she is in compliance with such restrictions. Each employee currently employed and covered by one or more of the restrictions in § 20.735-12 and § 20.735-13 will sign such a certificate within 120 days of the effective date of these regulations unless the head of the bureau or office concerned determines that a similar certificate previously signed by the employee is adequate. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action under the provisions of § 20.735-23 through 25. (See Appendix A for applicable certificate.)

#### § 20.735-22 Employees required to file statements of employment and financial interests: Manner of Filing.

(a) *Who shall file.* Each employee whose position is listed in Appendix C to this part shall file a Statement of Employment and Financial Interests (form DI-212). The head of each bureau or office will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than April 30 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of law, the Executive Order, the Civil Service Commission regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents that the change affecting their position has been approved by the Civil Service Commission. The amended Appendix C shall be submitted annually for publication in the *FEDERAL REGISTER*. Employees are and shall be included in the Appendix C pursuant to the following criteria:

(1) Employees paid at a level of the Federal Executive Schedule in subchapter II of chapter 53 of Title 5, United States Code.

(2) Employees in administrative law judge positions regardless of pay level.

(3) Employees classified at GS-13 or above (or comparable pay level) who are in positions whose duties and responsibilities require making a Government decision or taking a Government action which could result in a conflict of interest. Examples (not all-inclusive) of such duties are:

Contracting and procurement.

Administering or monitoring grants, loans or subsidies.

Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

Regulating, auditing, or inspecting private or other non-Federal enterprise.

Recommending policy for private or other non-Federal enterprise.

Sitting on special committees that may influence policies on, private or other non-Federal enterprise.

Appraising or acquiring real estate for the Government.

Enforcing Federal laws.

Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(4) Employees in other positions classified at GS-13 or above (or comparable pay level) who are in positions whose duties and responsibilities may create an appearance of a conflict of interest. Presidential Interchange Executives and other employees on loan to the Department from industry or other non-Government agency are included under this requirement. Others which may be included are those positions involving such duties as the following:

Participation in the decision-making process on matters that may affect private or other non-Federal enterprise.

Planning or developing activities that may affect private or other non-Federal enterprise.

Reviewing results of operations.

Meeting with public media personnel or preparing and disseminating public information.

Supervising others who must file employment and financial interest statements.

Analyzing or reviewing economic data relating to or of potential value to non-Federal enterprise.

Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(5) Employees classified at GS-12 or below who are in positions that meet the criteria for positions at GS-13 or above and also:

Who have duties similar to those of a GS-13 in the same occupation in those areas of responsibility where a significant potential for conflict of interest exists.

Who function with a minimum of supervision either because of the nature of their job or because of remote location.

Who make Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(6) Filing by employee on temporary assignment or detail.

(i) In some instances, temporary assignments or details will involve employees in policy or decision-making situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in the appendix to this regulation, or because the bureau or office head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for conflict or possible conflict with the employee's new duties.

(iii) Each bureau or office is responsible for implementing § 20.735-22(a) (6) (ii) so that statements are filed or updated and reviewed. Assignments of 30 days or less are exempt from the requirement.

(b) *When to file.* Each employee required to file a statement of employment and financial interest shall file such a statement on Form DI-212. (See Appendix B.) The Ethics Counselors shall notify each such employee and furnish the form to the employee by June 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor:

(1) By no later than July 31 of each year showing holdings and interests as of June 30, or

(2) Within thirty days after notification that his or her position has been added to the list in Appendix C, or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus or offices will be treated as new employees.

(c) *Where to file.* (1) The Department Ethics Counselor, his or her immediate supervisor, and the Assistant Secretary-Management will file statements with the Under Secretary.

(2) Persons in the following positions will file statements with the Department Ethics Counselor: The Under Secretary; Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitor; Assistant and Deputy Assistant Secretaries; Heads of bureaus and offices; the High Commissioner and Deputy High Commissioner of the Trust Territory; the Governor and Secretary of American Samoa; and such others as the Secretary may designate.

(3) Employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitor) will file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Employees in the Office of Hearings and Appeals (except for the Director, Office of Hearings and Appeals or the Deputy Ethics Counselor for the Of-



Office of Hearings and Appeals as the Director may direct.

(5) Employees in the Office of Water Research and Technology (except for the Director) will file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office as the Director may direct.

(6) Employees and special Government employees in the Office of the Secretary and in other Department offices, except those employees mentioned in paragraph (c) (1), (2), (3), (4), and (5), of this section will file statements with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(7) Employees and special Government employees in bureaus (except for the head of the bureau) will file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor as the head of the bureau may direct.

(d) *What to report.* (1) Employees will report all information required on form DI-212 (Appendix B-1). An employee is not required to report connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(2) Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and 13), an employee may also exclude:

(i) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry.

(ii) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(3) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans must be reported by employees on form DI-212. Such interests shall be reviewed on a case by case basis to assure that they do not place the employee in a conflict or appearance of conflict situation.

(4) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his behalf of form DI-212 to the appropriate Ethics Counselor. This requirement may be waived for holdings in an approved blind trust (§ 20.735(a) (3)).

(e) Confidentiality of employees' statements.

(1) Each statement of employment and financial interests is a "Nonsecurity Confidential" document and will be held in confidence. The statement will be transmitted in a blue envelope so marked by the employee to the Ethics Counselor designated in paragraph (c) of this section. Ethics Counselors are responsible for maintaining the statements in strict confidence. Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of employment and financial interest will be retained by the Ethics Counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed. All statements shall be destroyed two years after an employee leaves a position in which a statement is required or two years after the employee leaves the Department, whichever is earlier.

#### § 20.735-23 Review and analysis of statements.

(a) Each employee and special Government employee statement shall be reviewed by the Ethics Counselor with whom it is filed by no later than August 31 of each year to ensure that the employee is in compliance with these regulations. The Ethics Counselor may consult with the Regional Solicitor, or the Division of General Law of the Office of the Solicitor in Washington, as the case may be (§ 20.735-3(b) (2)), in the conduct of the review. The Ethics Counselor will exercise judgment and reasonableness in reviewing statements, but will be alert to potential conflicts, actual conflicts, or apparent conflicts which may be indicated.

(b) In the event that an employee's statement of employment and financial interest reflects a potential conflict, conflict, or apparent conflict, the Assistant or Deputy Counselor shall endeavor to resolve the matter informally with the employee. If it cannot be so resolved, the employee's statement, and a full report of efforts made to determine the existence or non-existence of conflict and to resolve it shall be referred to the bureau or office Ethics Counselor for appropriate action under § 20.735-24.

(c) The Department Ethics Counselor shall be advised by memorandum of the final disposition of each employee's statement of employment and financial interest which reflects a potential conflict, conflict, or apparent conflict. Such reports are required from each Assistant, Deputy or bureau or office Ethics Counselor reviewing the statement.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau and office shall certify to the Department Ethics Counselor that all required reviews of statements

have been completed. Certificates are required annually by no later than September 15.

#### § 20.735-24 Procedures for resolving conflicts of interest.

(a) *Remedial action to affect resolution.* Violations of the regulations in this part, including the statutory regulations which are incorporated, by an employee or special Government employee may be cause for mandatory remedial action. If the bureau or office Ethics Counselor decides that remedial action is required, immediate action shall be initiated to eliminate the conflict or appearance of conflict of interest within a reasonable time, generally ninety days. Remedial action may include any of the following actions:

(1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau or office Ethics Counselor may order the employee to divest himself/herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met.

(3) *Establishment of a Blind Trust.* The Department Ethics Counselor may allow an employee the option to place holdings in a blind trust. A blind trust is established when by written agreement, the employee gives complete control and legal title to a trustee. Employees are permitted to use a blind trust unless such an action is specifically precluded by a statutory restriction (§ 20.735-12). In order to be acceptable as a remedy for a conflict of interest situation, the blind trust must meet the following conditions:

(i) Employees shall have no knowledge of and no control over the holdings in the trust.

(ii) Employees must direct the trustee to divest the corpus of those holdings which created the conflict of interest. Such divestiture is required as soon as reasonably possible.

(iii) Employees must direct the trustee not to acquire holdings which would or could create a conflict of interest situation.

(iv) The agreement must cover all required matters and must be approved in advance by the Department Ethics Counselor and the Office of the Solicitor.



(4) *Other forms of trust.* Employees who have preexisting trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis received authorization to continue the trust provided the employee has no control over its management or assets.

(b) *Authority to order remedial action.* (1) Each bureau or office Ethics Counselor is authorized and shall order resolution of conflict of interest situations within their bureaus and offices. The advice of the Solicitor or Department Ethics Counselor may be sought before such an order is issued. This authority may not be redelegated.

(2) The Assistant Secretary-Management will be responsible for ordering resolution of conflict of interest situations for employees who file with the Chief, Division of Personnel Services, Office of Secretarial Operations (§ 20.735-22(c)(4)).

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary (§ 20.735-22(c)(1)) or the Department Ethics Counselor (§ 20.735-22(c)(2)) except for situations involving himself or herself and Assistants to the Secretary.

(4) The Secretary shall order resolution of conflict of interest situations involving the Under Secretary and Assistants to the Secretary.

(c) *Disciplinary action.* An employee who refuses to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action including suspension or removal from his position as provided by § 20.735-4.

#### § 20.735-25 Appeals procedures.

(a) *Employee's complaint on filing requirement.* Any employee required to file a statement of employment and financial interest under § 20.735-22 shall be given an opportunity for review through the Department's grievance procedure as to whether his or her position has been improperly included.

(b) *Employees complaint on conflict of interest decision.* (1) An employee has the right to appeal an order for remedial action under § 20.735-24 and shall have 30 days to exercise this right before any disciplinary action is initiated. Appeals shall be made in writing.

(2) Orders for remedial action issued by a bureau or office Ethics Counselor may be appealed to the Assistant Secretary-Management whose decision shall be final.

(3) Orders for remedial action issued by the Assistant Secretary-Management may be appealed to the Under Secretary, whose decision shall be final.

(4) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(5) Each appeal shall be considered by a review board consisting of the Department Ethics Counselor, a representative of the Solicitor, and a representative of the Office of Organization and

Personnel Management. The review board shall:

(1) Obtain from the appropriate Ethics Counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all information, exhibits or documents which he or she feels should be considered before a final decision is made.

(iii) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(6) An employee may request that a final decision made under the procedures in this paragraph be reviewed through the Department's grievance procedures.

#### Subpart C—Ethical & Other Conduct and Responsibilities of Employees

##### § 20.735-31 Scope of Subpart.

(a) *Standards of conduct.* This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of employees in the discharge of their official responsibilities. Civil Service regulations state that any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of a Federal employee is cause for his or her removal from the service of the Government. Employees are expected to maintain high standards of ethical, moral, and other conduct and to avoid any actions which could reflect adversely on the Department or the Government service or which would jeopardize the employee's effectiveness in dealings with his peers, supervisors, and the public.

##### § 20.735-32 Gifts, entertainment, and favors.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with this Department;

(2) Conducts operations or activities that are regulated by this Department; or,

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) *Voluntary donations.* Except as specifically authorized by law, employees are not authorized to accept on behalf of the United States voluntary donations from private sources for travel expenses in the form of cash, or of services in kind, such as hotel accommodations. Bona fide reimbursement for actual expenses for travel and such other necessary subsistence may be accepted if no Government payment, or reimbursement is made. However, an employee may not be reimbursed or payments made for him for excessive personal living expenses, gifts or

entertainment or if such reimbursement is prohibited by law relating to the specific situation in which it is offered. An employee who is officially directed to participate in a convention, seminar, or similar meeting of an association on an active duty basis and is authorized to receive per diem and other travel expenses from the Government, shall not accept travel, subsistence, or payment of other expenses from the association or outside organization (46 CG 689).

(c) *Exclusions.* (1) The prohibitions of subparagraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans;

(4) An employee may accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.

(d) *Actions to be avoided.* An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(e) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as a marriage, illness, or retirement.

(f) *Gifts from foreign government.* An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. It is Congressional policy that employees and their families shall not accept or retain gifts except under the following circumstances:



(1) When the gift is of minimal value and the gift is tendered as a souvenir or mark of courtesy;

(2) When refusal of a gift of more than minimal value would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States it may be accepted. However:

(i) If gifts of more than minimal value are accepted they shall not be retained. They must be deposited with the Chief of Protocol, Department of State, unless he has authorized the Agency to retain the gift for official use (22 CFR 3.5).

(ii) If a gift of more than minimal value is tendered in the form of travel or accommodation expenses, the offer should be referred to the Department of State for handling in accordance with the authorities of that Department.

(iii) "Minimal value" is defined as a retail value that would not exceed \$50 in the United States.

**§ 20.735-33 Teaching, lecturing and writing.**

(a) *General Policy.* Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law, the Executive Order, Civil Service regulations or the regulations of this part.

(b) *Using information obtained because of employment.* An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public, or when the Secretary of the Interior or his designee gives written authorization that use of non-public information is in the public interest.

(c) *Preparing persons for examinations.* An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Civil Service Commission or the Board of Examiners for the Foreign Service.

(d) *Officers and officials.* The Secretary, the Under Secretary, Assistant Secretaries, heads of bureaus and other Department officers, and key full-time officials who report directly to the Secretary as his principal assistants, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject of which:

(1) Is devoted substantially to the responsibilities, programs, or operations of this Department; or

(2) Draws substantially on official data or ideas which are not part of the body of public information.

**§ 20.735-34 Government property.**

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to their individual use or in connection with their official duties. It is their responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government vehicles.* Employees shall not use or authorize the

use of a Government-owned or leased motor vehicle for other than official purposes. (Interior Property Management Regulations 114-38.50.)

(c) *Misuse of Government aircraft.* Employees shall not use or authorize the use of a Government owned or leased aircraft for other than official purposes. (Interior Property Management Regulation 114-38.5312).

**§ 20.735-36 Indebtedness.**

(a) *Employee responsibility.* An employee:

(1) Should pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Must refund salary overpayments, travel expense advances, and pay income taxes when due so as not to embarrass the Department;

(3) Must pay a final determination of indebtedness for state or local taxes so as to prevent embarrassment to the Department.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department, or any bureau or office, determine the validity or amounts of disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he shall inform the creditor or collector that he is not allowed to transact private business during official hours and that any discussions must be held after hours and away from Department premises.

(d) *Disciplinary action.* An employee may be subject to removal if his failure to meet just financial obligations becomes chronic or causes an embarrassment to or places undue burden on the Department. A decision to remove an employee for these reasons must be taken with full consideration for any extenuating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

**§ 20.735-37 Specific types of conduct.**

(a) *Negotiations for employment.* It is the policy of the Department that employees shall not negotiate for future non-Federal employment with persons or organizations having business with the Department which the employee is called upon to officially render advice on or make judgments about. In the event that an employee desires to negotiate for such employment, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate Ethics Counselor. If the supervisor and the Ethics Counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize the employee to proceed to negotiate.

(b) *Selling or soliciting.* Employees and other persons are prohibited from selling

or soliciting for personal gain within any building or on any lands occupied or used by the Department without proper permission.

(c) *Gambling activity.* An employee shall not participate while on duty for the Government in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(d) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees, except when officially sponsored by the Department, are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(e) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(f) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess is subject to removal (5 U.S.C. 7352). Disciplinary action will be considered if an employee rejects or ignores treatment or other appropriate assistance.

(g) *Community and professional activities.* Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed or of the Department. However, such participation must not affect adversely an employee's performance at his regularly assigned duties.

(h) *Budget estimates and legislation.* Since the enactment of the Budget and Accounting Act of 1921, it has been Executive policy to consider budget estimates transmitted to the Congress with the approval of the President to be binding upon the executive departments and agencies. Employees are expected to conform to this policy by refraining from efforts to promote an increase in the Department budget as approved by the President. Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Department authority. It should be clearly understood, however, that nothing in this policy is to be considered as restraining or interfering with the obligation of employees to respond freely and candidly to any congressional



inquiries made of them in regard to appropriations or related matters.

(i) *Political activity.* Subchapter III of Chapter 73 of Title 5, United States Code (formerly referred to as the Hatch Act) states generally that employees may not use their official authority or influence for the purpose of interfering with an election or affecting its results, and they may not take an active part in political management or in political campaigns. An employee is subject to dismissal for violation. (5 CFR Part 733 and Chapter 733, Federal Personnel Manual.) Information regarding the prohibition against employees engaging in political activity, including certain exceptions, is contained in Pamphlet 20 "Political Activity of Federal Officers and Employees", issued by the Civil Service Commission.

(j) *Political affiliation.* Under the Civil Service regulations, no person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his political affiliation (5 CFR, Part 733, and Chapter 733, Federal Personnel Manual).

(k) *Equal employment opportunity policies.* It is the policy of the Federal Government that there shall be no discrimination based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness.

(l) *Nepotism.* Employment by reason of blood or marriage relationships rather than merit is prohibited. No employee shall supervise a member of his family except in emergency situations such as forest fires, floods, earthquakes, or at isolated field stations or where there is a shortage of quarters. Exceptions in other situations may be made with the approval of the head of the bureau or office. (Regarding summer employees, refer to current Department directives.)

(m) *Employee organizations.* An employee may not be a member of an organization of Government employees that advocates the overthrow of our constitutional form of government in the United States (5 U.S.C. 7311). Employees are also prohibited from striking against the Federal Government. Further information regarding employee affiliation with employee organizations is found in the Departmental Manual, Part 370, Chapter 711, Labor Management Relations.

(n) *Patents.* Patent regulations issued by the Secretary, 43 CFR 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the De-

partment. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor, through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his materials.

(o) *Practitioners.* The Department has adopted regulations and restrictions applicable to individuals who practice before the Department. These are included in 43 CFR 1. Former officers or employees, including special Government employees, cannot practice at any time with regard to matters in which they participated personally and substantially as a Government employee through decision, approval, disapproval, or recommendation. Also, if a period of one year has not passed since the termination of their employment with the Government, they cannot practice with regard to any matter that was under their official responsibility.

(p) *Notary.* An employee is prohibited from charging fees for performance of any notarial act for any employee of the Federal Government in his official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(q) *Franking Privilege and Official Stationery.* An employee is prohibited from using Government franked envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719).

(r) *Fraud or False Statements in a Government matter.* Employees are responsible for certification on Government documents issued by them. Special attention is required in the Certification of Time and Attendance Reports, Applications for Employment, Requests for Travel Reimbursement, and Purchase Orders and Receiving forms (18 U.S.C. 1001).

(s) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643, and 654).

(t) *Use of Official Title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public groups activities. Use is strictly limited to those occasions and circumstances where representation is official.

(u) *Carrying of Weapons.* Employees, except those specifically designated to perform enforcement, police or similar duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Notwithstanding this paragraph, employees may carry firearms on Interior lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

## Subpart D—Special Government Employees Responsibilities, Ethical and Other Conduct

### § 20.735–41 Statutes relating to conflict of interest.

The Department of Justice in a memorandum of January 28, 1963, (28 FR 985; 18 U.S.C. 201 note), summarized the major provisions of the conflict of interest laws insofar as special Government employees are concerned as follows:

1. (a) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in subparagraphs (a) and (b) apply to both paid and unpaid representation of another. These restrictions in combination are, of course, less extensive than the one described in the corresponding paragraph 1 in the list set forth above with regard to regular employees.

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restriction described in paragraph 3 if the matter is one in which he participated personally and substantially.

### § 20.735–42 Restrictions upon special Government employees.

In most instances, special Government employees are subject to the Federal statutes relating to standards of conduct the same as regular employees. Although all these statutes are not referenced in these regulations, the more pertinent ones are listed: § 20.735–51(a). The special Government employee should become acquainted with these. In addition, the attention of the special Government employee is directed to the following regulations which are of particular application and relate to the area of ethical conduct as a special Government employee:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance



of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with the provisions governing employees (see § 20.735-31).

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* Except as provided in § 20.735-32(a), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

#### § 20.735-43 Statement of employment and financial interests.

(a) Each special Government employee who occupies a position of consultant or expert shall file a statement of employment and financial interests as provided in paragraph (b) of this section. A special Government employee who does not occupy a position of consultant or expert shall, nonetheless, file such a statement if the position is found by the appointing officer to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government. Special Government employees occupying positions other than those mentioned in this paragraph are not required to file statements.

(b) Special Government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735-22, form DI-213, "Statement of Employment and Financial Interests." This form provides for the reporting of:

- (1) All employment, including employment without compensation; and
- (2) All financial interests, including any interest held by the spouse or minor child or relation living in the same household of a special Government Employee. The special Government employee is not required to report connection with, or interest in:

- (i) A professional society;
- (ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.
- (iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.
- (iv) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies;

(c) In an instance involving the proposed employment of a special Government employee for highly specialized and limited duties, the head of a bureau or office may propose to the Department Ethics Counselor a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special Government employee is to perform. If a restricted reporting of financial interests is approved by the Department Ethics Counselor in advance of employment, Form DI-213 may be revised to reflect the narrower requirement.

(d) The statement of employment and financial interests shall be submitted before the special Government employee enters on duty. Each special Government employee shall keep his statement current through his employment with the Department by the submission of supplementary statements. Statements filed by special Government employees shall be reviewed, processed and retained in the same manner as those filed by regular employees (§ 20.735-23).

(e) For the purpose of this section the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

- (1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or
- (2) A veterinarian whose services are procured to provide care and service to animals.

#### Subpart E—Bibliography of Statutes

#### § 20.735-51 Miscellaneous statutory provisions and restrictions.

(a) Employees will become acquainted with the statutory provisions that relate to their ethical and other conduct, among which the following are particularly relevant:

- (1) House Concurrent Resolution 175, 85th Congress 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."
- (2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.
- (3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a) (4) (F)).

(7) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure of information which is restricted by the Privacy Act (5 U.S.C. 552a(i) (1)).

(8) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(9) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(10) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(11) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(12) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(15) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(16) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(17) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(18) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(b) The foregoing statutes shall be available for review in the office of each Ethics Counselor.

#### APPENDIX A-1—U.S. GEOLOGICAL SURVEY, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed of the statutory restrictions contained in Title 43, U.S. Code, Section 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands



or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in lands whose title is in the United States. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735-13(b) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

I certify I do not have any personal or private interest, direct or indirect, in the public lands of the United States nor in the mineral wealth of such lands.

I also certify I do not have any personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where the Director has authorized me to have such interest.

-----  
(Date) (Signature of Employee)

#### INSTRUCTIONS

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

#### APPENDIX A-2—BUREAU OF INDIAN AFFAIRS EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in Title 25 U.S.C., Section 68, which prohibits any person employed in Indian affairs in the Department of the Interior from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian affairs.

-----  
(Date) (Signature of Employee)

#### INSTRUCTIONS

1. All applicable employees of the Bureau of Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

#### APPENDIX A-3—BUREAU OF LAND MANAGEMENT EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in Title 43 U.S.C. 11, which provides: The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring, in violation of 43 CFR, Part 7, any interest, direct or indirect, in any lands or resources administered by the Bureau of Land Management.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Bureau of Land Management, by gift, devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Secretary of the Interior for decision or other necessary action.

-----  
(Date) (Signature of Employee)

#### INSTRUCTIONS

1. All applicable employees of the Bureau of Land Management shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

#### APPENDIX A-4—BUREAU OF MINES EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I have been informed of and that I am in compliance with the statutory restrictions contained in Title 30 U.S.C., Section 6, which prohibit employees of the Bureau of Mines from owning any interest in any mine under investigation.

I also certify I do not have any personal or private interest in a mine or in a mining company owning a mine, if the mine or its product is under investigation by the Bureau.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

-----  
(Date) (Signature of Employee)

#### INSTRUCTIONS

1. All applicable employees of the Bureau of Mines shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

#### APPENDIX A-5—MINING ENFORCEMENT AND SAFETY ADMINISTRATION (MESA) EM- PLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify I have been informed of the restrictions established by paragraph 20.735-13(a) of the regulations which prohibits employees of MESA from having any interest, direct or indirect, in any mine or mining company which may be directly affected by the work of MESA through its investigations, technical research, or other activities.

I also certify I do not have any personal or private interest, direct or indirect, in a mine or mining company which may be directly affected by the work of MESA except where specifically authorized by the Administrator.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

-----  
(Date) (Signature of Employee)

#### INSTRUCTIONS

1. All applicable employees of the Mining Enforcement and Safety Administration shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

#### APPENDIX A-6—OFFICE OF THE SECRETARY OF INTERIOR, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. Therefore, I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Secretary.

(1) Title 43 U.S.C. 11 which provides that certain employees are prohibited from direct-



ly or indirectly purchasing or becoming interested in the purchase of any of the public land, and that any person who violates this section shall forthwith be removed from office.

(2) Title 25 U.S.C. Section 68, which provides that any person employed in Indian affairs in the Department of the Interior is prohibited from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

(3) Title 30 U.S.C. 6, which provides that employees are prohibited from owning stock in any mine or mining company which may directly benefit by work of the Bureau of Mines through its investigations, technical research, or economic studies.

(4) Title 43 U.S.C. 31(a) which provides that employees shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. The Department

has determined that these restrictions prohibit personal or private interest, direct or indirect, in lands whose title is in the United States or in the mineral wealth of such lands.

(Date)

(Signature of  
Employee)

#### INSTRUCTIONS

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Form DI-212

REV. 6-75.

### UNITED STATES DEPARTMENT OF THE INTERIOR CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS (FOR USE BY GOVERNMENT EMPLOYEES) *This is a "Non-Security Confidential" Statement*

APPENDIX B-1

1. NAME (Last, first, initial)	2. TITLE OF POSITION
3. DATE OF APPOINTMENT IN PRESENT POSITION	4. BUREAU AND OFFICE

**PART I. EMPLOYMENT AND FINANCIAL INTERESTS.** List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing

financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

NAME & KIND OF ORGANIZATION (USE PART I DESIGNATIONS WHERE APPLICABLE.)	ADDRESS	POSITION IN ORGANIZATION (USE PART I (a) DESIGNATIONS, IF APPLICABLE.)	NATURE OF FINANCIAL INTEREST, e.g., STOCK, PRIOR BUSINESS INCOME, (USE PART I (b) & (c) DESIGNATIONS, IF APPLICABLE.)

**PART II. CREDITORS.** List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom

you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

**PART III. INTERESTS IN REAL PROPERTY.** List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, e.g., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS (IF RURAL, GIVE RFD, OR COUNTY AND STATE.)

**PART IV. INFORMATION REQUESTED OF OTHER PERSONS.** If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name

and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

(Date)

(Signature)



## INSTRUCTIONS

For use by an officer or employee as required by 43 CFR 20.735-22, Sec. 402 of Executive Order 11222, dated May 8, 1965, and Civil Service Commission Regulations.

**General Requirements**—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs,

or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement. This requirement may be waived for holdings in an approved blind trust (§ 20.735-24(a)(3)).

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part IV. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

APPENDIX B-2

Form DI-213  
REV. 6-75

UNITED STATES DEPARTMENT OF THE INTERIOR  
CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS  
(FOR USE BY SPECIAL GOVERNMENT EMPLOYEES)  
*This is a "Non-Security Confidential" Statement*

## PART I - TO BE COMPLETED BY AGENCY

1. Name (last, first, initial)	2. Birth Date (month, day, year)
3. Bureau and Office Organizational Segment	4. PERIOD OF APPOINTMENT (this Agency)
	FROM TO

## PART II - TO BE COMPLETED BY APPOINTEE

1. a. Number of days already worked during a consecutive 365-day period

(1) with this Department . . . . .

(2) with other Federal agencies . . . . .

b. Estimated remaining number of days expected to work during the consecutive 365-day period

(1) with this Department . . . . .

(2) with other Federal agencies . . . . .

c. TOTAL . . . . .

2. FEDERAL GOVERNMENT EMPLOYMENT - List all other Federal agencies in which you are presently employed. (If none, write "none.")

AGENCY AND LOCATION	TITLE OR KIND OF POSITION	APPOINTMENT PERIOD	
		FROM	TO

3. NON-FEDERAL EMPLOYMENT - Name all corporations, companies, firms, State or local Government organizations, research organizations, and educational or other institutions in which you are serving as employee, officer, member, owner, trustee, director, expert, adviser, or consultant, with or without compensation. (If none, write "none.")

NAME AND KIND OF ORGANIZATION (e.g., manufacturing, research, insurance)	LOCATION (City, State)	TITLE OR KIND OF POSITION

4. FINANCIAL INTERESTS - List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. (If none, write "none.")

Information to be listed does not require a showing of amount of financial interest or value of real property. Interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. Member of your immediate household includes only those blood relations who are full-time residents of your household.

ORGANIZATION		
NAME	KIND (manufacturing, storage, public utilities, etc.)	NATURE OF INTEREST AND IN WHOSE NAME HELD

If additional space is required, use reverse side

I CERTIFY that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I UNDERSTAND that if, during the period of my appointment, I undertake a new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period.

(Date)

(Signature)



[illegible]

## INSTRUCTIONS

For use by a special Government employee  
as required by 43 CFR 20.735-43, Sec. 306  
of Executive Order 11222, dated May 8, 1965,  
and Civil Service Regulations.

**General Requirements**—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part II No. 4. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

[FR Doc.75-17355 Filed 7-2-75;8:45 am]







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THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

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**PART IV**

Section 2—PARTS IV, V



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**DEPARTMENT OF  
LABOR**

**Employment Standards  
Administration**

■

**MINIMUM WAGES  
FOR FEDERAL AND  
FEDERALLY ASSISTED  
CONSTRUCTION**

**General Wage Determination Decisions**



## DEPARTMENT OF LABOR

## Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for a delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall

be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Stand-

ards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Georgia:	
GA75-1005 -----	Jan. 17, 1975
GA75-1019 -----	Feb. 7, 1975
Massachusetts:	
MA75-2008 -----	Jan. 17, 1975
MA75-2053 -----	Mar. 14, 1975
Pennsylvania:	
AR-2037; AR-2038 -----	Aug. 30, 1974
AR-2036 -----	Sept. 20, 1974
AR-2033; AR-2034; AR-2039 -----	Sept. 27, 1974
AR-2045; AR-2046 -----	Oct. 18, 1974
PA75-3015 -----	Feb. 14, 1975
PA75-3019 -----	Feb. 28, 1975
PA75-3023 -----	Mar. 14, 1975
Oklahoma:	
AR-89 -----	Dec. 13, 1974
Rhode Island:	
RI75-2031 -----	Feb. 7, 1975
Virginia:	
MD75-3062 -----	June 20, 1975
Washington, D.C.:	
DC75-3061 -----	Do.

## SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona:	
AZ75-5034(AZ75-5076) ---	Mar. 14, 1975
AZ75-5035(AZ75-5077); AZ75-5036(AZ75-5078) .	Mar. 21, 1975
Florida:	
AR-4039(FL75-1066) ----	Sept. 13, 1974
Illinois:	
AR-3064(IL75-2092) ----	Aug. 9, 1974
IL75-2001(IL75-2086) ----	Jan. 3, 1975
IL75-2015(IL75-2087) ----	Feb. 14, 1975
Indiana:	
IN75-2023; IN75-2024; IN75-2027; IN75-2028 (IN75-2089) .	Feb. 7, 1975
Mississippi:	
AR-4066(MS75-1067) ----	Dec. 20, 1974
Pennsylvania:	
AQ-2046(PA75-3058) ----	Mar. 8, 1974
AQ-2081(PA75-5059) ----	Mar. 29, 1974
AR-2094(PA75-3054) ----	Dec. 13, 1974
Rhode Island:	
RI75-2032(RI75-2090) ---	Feb. 2, 1975

Signed at Washington, D.C., this 26th day of June 1975.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.



DECISION NO. GA75-2008 - Mod. #3  
(40 FR 3121 - January 17, 1975)  
Hampshire County, Massachusetts

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vocallon		
<p>Change: Laborers: Unskilled Air tool operator (jackhammer, vibrator), masons tenders, mortar mixers, pipelayers (concrete, clay) plasterers tenders</p>	.15				
<p>Change: Laborers: Unskilled Marble masons, terrazzo workers and ceramic tile setters Sheet metal workers</p>	.15				
<p>DECISION #GA75-1005 - Mod. #3 (40 FR-3091 - January 17, 1975) Richmond County, Georgia</p>	3.55				
<p>DECISION #GA75-1019 - Mod. #3 (40 FR-6020 - February 7, 1975) Clayton, Cobb, DeKalb and Fulton Counties, Georgia</p>	3.70				
<p>Change: Laborers (Building): Laborers; carpenter tenders; cement finisher tenders; wrecking laborers Jackhammer ops; pavement breakers; wagon drills; asphalt rakers; carbide core drilling machine; chain saw ops; pipelayers; barco-type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops Air track; block pavers; rammers; curb setters Blasters; powdermen Open air caisson; cylindrical work and boring crew: Laborer; top man Helper Bottom man Driller Laborers (Heavy &amp; Highway): Class I Class II Class III Class IV Millwrights</p>	7.50 7.62 8.25 8.37  7.50 7.75 8.00 8.25 9.85	.45 .45 .45 .45  .45 .45 .45 .45 .65	.50 .50 .50 .50  .50 .50 .50 .50 .60	.10 .10 .10 .10  .10 .10 .10 .10 .07	



DECISION NO. WA 75-2008- Cont'd.

Change:

## BUILDING CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V  
CLASS VI  
CLASS VII

## MODIFICATIONS P. 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.35	.60	.75	a	.05
9.15	.60	.75	a	.05
8.95	.60	.75	a	.05
8.58	.60	.75	a	.05
7.90	.60	.75	a	.05
7.45	.60	.75	a	.05
6.72	.60	.75	a	.05

## CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3¼ yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3¼ hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tire-man, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machine, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant; Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compactors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oil r, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

a. Holidays: A through F, Veterans' Day and Columbus Day.

DECISION NO. WA 75-2008 Cont'd.

## MODIFICATIONS P. 4

Change:

HEAVY & HIGHWAY CONSTRUCTION  
POWER EQUIPMENT OPERATORS:

CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V  
CLASS VI  
CLASS VII

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.35	.60	.75	a	.05
9.15	.60	.75	a	.05
8.95	.60	.75	a	.05
8.58	.60	.75	a	.05
7.90	.60	.75	a	.05
7.45	.60	.75	a	.05
6.72	.60	.75	a	.05

## CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Cien Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Aerators towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted compressor), Compressor House 3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinks, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot troller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Fram Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

## FOOTNOTES:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.



DECISION NO. MA-75-2053- Mod #2  
(40 FR 12031- March 14, 1975)  
Hampden County, Massachusetts

## Change:

Laborers (building):  
Laborers; carpenter tenders;  
cement finisher tenders;  
wrecking laborers  
Jackhammer ops; pavement  
breakers; wagon drills; as-  
phalt rakers; carbide core  
drilling machine; chain saw  
ops; pipelayers; barco-type  
jumping tampers; laser beam  
ops; concrete pump ops; ma-  
son tenders; mortar mixers;  
ride-on motorized buggy ops  
Air track; block pavers;  
rammers; curb setters  
Blasters; powdermen  
Open air caisson; cylindrical  
work and boring crew:  
Laborer; top man  
Helper  
Bottom man  
Driller  
Laborers (Heavy & Highway):  
Class I  
Class II  
Class III  
Class IV  
Asbestos workers  
Millwrights

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vocation		
\$7.50	.50	.45			.10
7.75	.50	.45			.10
8.00	.50	.45			.10
8.25	.50	.45			.10
7.50	.50	.45			.10
7.62	.50	.45			.10
8.25	.50	.45			.10
8.37	.50	.45			.10
7.50	.50	.45			.10
7.75	.50	.45			.10
8.00	.50	.45			.10
8.25	.50	.45			.10
9.60	.54	.75			.01
9.85	.60	.65			.07

## MODIFICATIONS P. 6

## Change:

BUILDING CONSTRUCTION  
POWER EQUIPMENT OPERATIONS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vocation		
CLASS I	\$ 9.35	.60	.75	a		.05
CLASS II	9.15	.60	.75	a		.05
CLASS III	8.95	.60	.75	a		.05
CLASS IV	8.58	.60	.75	a		.05
CLASS V	7.90	.60	.75	a		.05
CLASS VI	7.45	.60	.75	a		.05
CLASS VII	6.72	.60	.75	a		.05

## CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5 1/2 yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3 1/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5 1/2 yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Excavator Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cuts, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tire-man, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 300 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oil r, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

a. Holidays: A through F, Veterans' Day and Columbus Day.



MODIFICATIONS P. 7

Change:

HEAVY & HIGHWAY CONSTRUCTION  
POWER EQUIPMENT OPERATIONS:

- CLASS I
- CLASS II
- CLASS III
- CLASS IV
- CLASS V
- CLASS VI
- CLASS VII

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 9.35	.60	.75	a		.05
9.15	.60	.75	a		.05
8.95	.60	.75	a		.05
8.58	.60	.75	a		.05
7.90	.60	.75	a		.05
7.45	.60	.75	a		.05
6.72	.60	.75	a		.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Ciam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5 1/2 yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Acrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5 1/2 yards, Seraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Serapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot troller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:

- a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

DECISION NO. AR-89 - Mod. #4  
(39 FR 43456 - December 13, 1974)  
McIntosh County, Oklahoma

CHANGE:  
Elevator Constructors  
Ironworkers

DECISION #AR-2033 - Mod. #3  
(39 FR 35048-September 27, 1974)  
Allegheny County, Pennsylvania

Change:  
Power Equipment Operators:

- Class 1
- Class 1-A
- Class 1-B
- Class 1-C
- Class 2
- Class 3
- Class 3-A
- Class 4
- Class 5
- Class 6
- Class 6-A
- Class 6-B
- Roofers

DECISION #AR-2034 - Mod. #4  
(39 FR 35051-September 27, 1974)  
Armstrong County, Pennsylvania

Change:  
Power Equipment Operators:

- Class 1
- Class 1-A
- Class 1-B
- Class 1-C
- Class 2
- Class 3
- Class 3-A
- Class 4
- Class 5
- Class 6
- Class 6-A
- Class 6-B
- Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$8.25	.445	.29	3%a+b		.02
8.90	.30	.35			.10
10.225	.50	.60			.09
10.475	.50	.60			.09
10.725	.50	.60			.09
10.975	.50	.60			.09
10.075	.50	.60			.09
9.50	.50	.60			.09
10.00	.50	.60			.09
9.50	.50	.60			.09
8.75	.50	.60			.09
8.50	.50	.60			.09
8.60	.50	.60			.09
8.75	.50	.60			.09
9.76	.62	1.50			.06
10.225	.50	.60			.09
10.475	.50	.60			.09
10.725	.50	.60			.09
10.975	.50	.60			.09
10.075	.50	.60			.09
9.50	.50	.60			.09
10.00	.50	.60			.09
9.50	.50	.60			.09
8.75	.50	.60			.09
8.50	.50	.60			.09
8.60	.50	.60			.09
8.75	.50	.60			.09
9.76	.65	1.50			.06



DECISION #AR-2037 - Mod. #4  
(39 FR 31859-August 30, 1974)  
Indiana County, Pennsylvania

## Change:

Bricklayers and Stonemasons:  
Armstrong, Blacklick, Center,  
Conemaugh, Rayne, Surrrell,  
Washington, White, Young  
and Indiana Twps.

## Power Equipment Operators:

Class 1  
Class 1-A  
Class 1-B  
Class 1-C  
Class 2  
Class 3  
Class 3-A  
Class 4  
Class 5  
Class 6  
Class 6-A  
Class 6-B  
Roofers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$9.65	.45	1.07		
10.225	.50	.60		.09
10.475	.50	.60		.09
10.725	.50	.60		.09
10.975	.50	.60		.09
10.075	.50	.60		.09
9.50	.50	.60		.09
10.00	.50	.60		.09
9.50	.50	.60		.09
8.75	.50	.60		.09
8.50	.50	.60		.09
8.60	.50	.60		.09
8.75	.50	.60		.09
9.76	.62	1.50		.06

DECISION #AR-2038 - Mod. #4

(39 FR 31862 - August 30, 1974)  
Westmoreland County,  
Pennsylvania

## Change:

Bricklayers and Stonemasons:  
Remainder of County

## Power Equipment Operators:

Class 1  
Class 1-A  
Class 1-B  
Class 1-C  
Class 2  
Class 3  
Class 3-A  
Class 4  
Class 5  
Class 6  
Class 6-A  
Class 6-B  
Roofers:

Composition, slate and tile

9.65	.45	1.07		
10.225	.50	.60		.09
10.475	.50	.60		.09
10.725	.50	.60		.09
10.975	.50	.60		.09
10.075	.50	.60		.09
9.50	.50	.60		.09
10.00	.50	.60		.09
9.50	.50	.60		.09
8.75	.50	.60		.09
8.50	.50	.60		.09
8.60	.50	.60		.09
8.75	.50	.60		.09
9.76	.62	1.50		.06

DECISION #AR-2039 - Mod. #4

(39 FR 35054-September 27, 1974)  
Washington County, Pennsylvania

## Change:

## Power Equipment Operators:

Class 1  
Class 1-A  
Class 1-B  
Class 1-C  
Class 2  
Class 3  
Class 3-A  
Class 4  
Class 5  
Class 6  
Class 6-A  
Class 6-B  
Roofers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$10.225	.50	.60		.09
10.475	.50	.60		.09
10.725	.50	.60		.09
10.975	.50	.60		.09
10.075	.50	.60		.09
9.50	.50	.60		.09
10.00	.50	.60		.09
9.50	.50	.60		.09
8.75	.50	.60		.09
8.50	.50	.60		.09
8.60	.50	.60		.09
8.75	.50	.60		.09
9.75	.62	1.50		.06

DECISION #AR-2036 - Mod. #5

(39 FR 33988-September 20, 1974)  
Butler and Fayette Counties,  
Pennsylvania

## Change:

## Power Equipment Operators:

Class 1  
Class 1-A  
Class 1-B  
Class 1-C  
Class 2  
Class 3  
Class 3-A  
Class 4  
Class 5  
Class 6  
Class 6-A  
Class 6-B  
Roofers

10.225	.50	.60		.09
10.475	.50	.60		.09
10.725	.50	.60		.09
10.975	.50	.60		.09
9.50	.50	.60		.09
10.00	.50	.60		.09
9.50	.50	.60		.09
8.75	.50	.60		.09
8.50	.50	.60		.09
8.60	.50	.60		.09
8.75	.50	.60		.09
9.76	.62	1.50		.06



DECISION #AR-2045 - Mod. #3  
(39 FR 37345 - October 18, 1974)  
Lawrence County, Pennsylvania

Change:  
Power Equipment Operators:

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Class 1	.50	.60		.09
Class 1-A	.50	.60		.09
Class 1-B	.50	.60		.09
Class 1-C	.50	.60		.09
Class 2	.50	.60		.09
Class 3	.50	.60		.09
Class 3-A	.50	.60		.09
Class 4	.50	.60		.09
Class 5	.50	.60		.09
Class 6	.50	.60		.09
Class 6-A	.50	.60		.09
Class 6-B	.50	.60		.09

DECISION #AR-2046 - Mod. #3  
(39 FR 37349 - October 18, 1974)  
Mercer County, Pennsylvania

Change:  
Boilermakers  
Electricians  
Power Equipment Operators:

Class 1	10.88	.50	.85	.01
Class 1-A	10.50	.35	1 1/4 - .45	.01
Class 1-B	10.225	.50	.60	.09
Class 1-C	10.475	.50	.60	.09
Class 2	10.725	.50	.60	.09
Class 3	10.975	.50	.60	.09
Class 3-A	10.075	.50	.60	.09
Class 4	9.50	.50	.60	.09
Class 5	10.00	.50	.60	.09
Class 6	9.50	.50	.60	.09
Class 6-A	8.75	.50	.60	.09
Class 6-B	8.50	.50	.60	.09
	8.60	.50	.60	.09
	8.75	.50	.60	.09

DECISION #PA-75-3015 - Mod. #4  
(40 FR 6974 - February 14, 1975)  
Northampton County, Pennsylvania

Change:

Laborers, Building:  
Unskilled laborers  
Operator of jackhammer, paving  
breaking and other pneumatic  
and mechanical tools, wagon  
drills, and men handling  
dynamite, handling and using  
cutting and burning torches  
in the wecking of buildings,  
laying of all clay, terra  
cotta, ironstone, vitrified  
concrete or nonmetallic pipe  
and the making of joints for  
same and cofferdams (below  
10 feet)  
Plasterer and Mason Tenders,  
scaffold builders, and handl-  
ing of all materials to be  
used by plasterers and masons,  
brick and blocks loaded on  
pallets, cement finishers  
tenders, gunniting and molder-  
D, and sand blasters helpers  
Barco Tamper Operator

DECISION #PA-75-3019 - Mod. #4  
(40 FR 8753 - February 28, 1975)  
Lehigh County, Pennsylvania

Change:

Roofers:  
Albany, Maxatony and Windsor:  
Composition, damp, water-  
proofing  
Precast slab  
Siste, tile & asbestos

\$ 9.85	.45	.25	d
10.65	.45	.25	d
10.30	.45	.25	d



DECISION #75-PA-3023 - Mod. #2  
(40 FR 12055 - March 14, 1975)  
Beaver County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.625	.45	.45	.80		
10.43					
9.625	.45	.45	.80		.01
10.00					
9.76	.62	1.50			.06
10.225	.50	.60			.09
10.475	.50	.60			.09
10.725	.50	.60			.09
10.975	.50	.60			.09
10.075	.50	.60			.09
9.50	.50	.60			.09
10.00	.50	.60			.09
9.50	.50	.60			.09
8.75	.50	.60			.09
8.50	.50	.60			.09
8.60	.50	.60			.09
8.75	.50	.60			.09

Change:  
Bricklayers and Stonemasons  
Cement Masons  
Marble Setters, tile setters  
and terrazzo workers  
Plasterers  
Roofers  
Power Equipment Operators:  
Class 1  
Class 1-A  
Class 1-B  
Class 1-C  
Class 2  
Class 3  
Class 3-A  
Class 4  
Class 5  
Class 6  
Class 6-A  
Class 6-B

DECISION NO. RI75-2031- Mod #2

(40 FR 6128-February 7, 1975)  
Bristol, Kent, and Providence  
Counties, Rhode Island

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.10	.55	.45			.01
8.66					
6.93	.60	.49			.02
9.39	.445	.29	3%+a+b		.02
70%JR	.445	.29	3%+a+b		.02
50%JR	.445	.29	3%+a+b		.02
8.73	.55	.90+ .50			.05
7.00	.50	.45			.10
7.25	.50	.45			.10
7.50	.50	.45			.10
7.75	.50	.45			.10
7.00	.50	.45			.10

Change:  
Bricklayers, stone masons  
(Heavy & Highway)  
Carpenters, soft floor layers,  
pile-drivers (Building):  
Burritville, N. Smithfield,  
Woonsocket townships  
Residential  
Elevator constructors  
Elevator constructors' helpers  
Elevator constructors' help-  
ers (prob.)  
Ironworkers  
Laborers (Building):  
Laborers, carpenter tenders,  
cement finisher tenders,  
mason tenders, wrecking  
laborers  
Asphalt rakers, adzemen,  
pipe trench bracers, demo-  
lition burners, chain saw  
ops, setter of metal forms  
for roadways, mortar mixers,  
pipelayers, pneumatic tool  
ops, barco-type jumping  
tamperers, mechanical grind-  
er ops  
Air track ops, block pavers,  
rammers, and curb setters  
Powdermen and blasters  
Laborers (Heavy & Highway):  
Laborers, carpenter and cem-  
ent finisher tenders, and  
wrecking laborers  
Adzemen, asphalt rakers, bar-  
co type jumping tamperers, chain  
saw ops, concrete saw ops,  
demolition burners, fence &  
guard rail erectors, grind-  
ers, mortar mixers, pine-  
layers, pipe trench bracers,  
pneumatic tool ops, riprap  
and dry stone wall builder,  
setter of metal forms for  
roadways, stumper ops, tree  
toppers, tree trimmers,



## DECISION NO. RI75-2031- Mod #2 (Cont)

Change:	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Laborers- Heavy & Highway (Cont)					
wagon drill ops, wood chipper ops, concrete and power buggy operators	\$7.25	.50	.45		.10
Air track ops, pavers, rammers, and curb setters	7.50	.50	.45		.10
Powdermen and blasters	7.75	.50	.45		.10
Marble, tile, & terrazzo workers (Building):					
Remainder of Providence County	9.35	.65	.55		
Painters (Heavy & Highway):					
Structural steel, steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		
Truck drivers (Building):					
2-axle; dumps	7.35	.48	.5125		
3-axle; trailers	7.43	.48	.5125		
Low bed, trailers (24 tons & over), trailers (I-beam), specialized earth moving equipment (Euclid type)	7.68	.48	.5125		
Euclid type equipment over 35 ton capacity	7.93	.48	.5125		

DECISION #MD-75-3062 - Mod. #1  
(40 FR 26203 - June 20, 1975)  
Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia

## Change:

Terrazzo and Mosaic Workers  
Terrazzo Workers Helpers

## Omit:

Power Equipment Operators:

Group 12

Group 13

Classifications

Group 12 - Truck Cranes Oilers

Group 13 - Oilers

DECISION #DC-75-3061 - Mod. #1

(40 FR 26242 - June 20, 1975)

Washington, D.C.

## Omit:

Building & Heavy Construction

Power Equipment Operators:

Group 12

Group 13

Classifications

Group 12 - Truck Crane Oilers

Group 13 - Oilers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 9.33	.40	.30			
8.05	.40	.30			
7.865	.50	.55			.12
7.815	.50	.55			.12
7.865	.50	.55			.12
7.815	.50	.55			.12



STATE: Arizona  
 DECISION NUMBER: AZ75-5076

COUNTY: Statewide

DATE: Date of Publication

Supersedes Decision No. AZ75-5034 dated March 14, 1975, in 40 FR 12020.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DECISION NO. AZ75-5076

DECISION NO. AZ75-5034									
persedes Decision No. AZ75-5034 dated March 14, 1975, in 40 FR 12020.									
SCRIPTION OF WORK: Building Construction (excluding single family homes and garden pe apartments up to and including 4 stories), heavy and highway construction.									



Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
DRYWALL: Tapers (Cont'd)					
Zone C (61 miles and over)					
Texture Spraymen:					
Zone A (0-40 miles)	.49		.50		.07
Zone B (41-60 miles)	.49		.50		.07
Zone C (61 miles and over)	.49		.50		.07
ELECTRICIANS: (Flagstaff Area)					
Zone A (In the City of Flagstaff, that area lying in a square extending 20 miles North-South, East and West of the Post Office) (Williams, Winslow and Sedona covering a square extending 5 miles North-South, East and West of the Post Office in each town)					
Electricians	.80	1 1/2%			1/2%
Cable Splicers	.80	1 1/2%			1/2%
Zone B (All territorial jurisdiction allotted outside of Zone A)					
Electricians	.80	1 1/2%			1/2%
Cable Splicers	.80	1 1/2%			1/2%
ELECTRICIANS: (Gallup Area-Northern Apache County)					
Electricians	.30	1%			1/2%
Cable Splicers	.30	1%			1/2%
ELECTRICIANS: (Globe-Miami Area)					
Zone A (The area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing)					
Electricians	.45	7%			1/2%
Cable Splicers	.45	7%			1/2%
Zone B (16-28 miles)					
Electricians	.45	7%			1/2%
Cable Splicers	.45	7%			1/2%
Zone C (28-46 miles)					
Electricians	.45	7%			1/2%
Cable Splicers	.45	7%			1/2%
Zone D (46 miles and over)					
Electricians	.45	7%			1/2%
Cable Splicers	.45	7%			1/2%

DECISION NO. AZ75-5076

ELECTRICIANS: (Phoenix-Kingman-Flagstaff Area)

Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, North on Cotton Lane to Beloit Road. West on Beloit Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersect with Bush Highway including Luke and Williams Air Force Bases.)

Electricians  
Cable Splicers

\$10.45	.60	1 1/2%	1 1/2%	3 1/4%
10.97	.60	1 1/2%	1 1/2%	3 1/4%







DECISION NO. A275-5076

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
GLAZIERS: (Statewide except the Northern and Central parts of Apache, Coconino, Mohave and Navajo and the Northern half of Yavapai County)					
IRONWORKERS: (Central and Southern Area) (Northern Area)					
PAINTERS: (Flagstaff Area) -- Zone A (From Flagstaff Court House to 20 miles)	.35	.30	.56		.01
Brush					
Glaziers; Soft Floor Layers					
Brush, steel and bridge	.60	.50	.50		.14
Spray	.60	.50	.50		.14
Spray, steel and bridge	.60	.50	.50		.14
Zone B (20-35 miles from Court House in Flagstaff)	.60	.50	.50		.14
Brush; Glaziers; Soft Floor Layers					
Brush, steel and bridge	.60	.50	.50		.14
Spray	.60	.50	.50		.14
Spray, steel and bridge	.60	.50	.50		.14
Zone C (35-80 miles from Court House in Flagstaff)					
Brush; Glaziers; Soft Floor Layers					
Brush, steel and bridge	.60	.50	.50		.14
Spray	.60	.50	.50		.14
Spray, steel and bridge	.60	.50	.50		.14
Zone D (80 miles and over from Court House in Flagstaff)					
Brush; Glaziers; Soft Floor Layers					
Brush, steel and bridge	.60	.50	.50		.14
Spray	.60	.50	.50		.14
Spray, steel and bridge	.60	.50	.50		.14
Zone E (41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush					
Spray					
Steel and bridge, brush					
Steel and bridge, spray					
Zone C (41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush					
Spray					
Steel and bridge, brush					
Steel and bridge, spray					
PAINTERS: (Phoenix Area)					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush	.57	.38	.50		.05
Spray	.57	.38	.50		.05

DECISION NO. A275-5076

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
PAINTERS: (Phoenix Area)(Cont'd)					
Steel and bridge, brush	.57	.38	.50		.05
Steel and bridge, spray	.57	.38	.50		.05
Zone B (41-60 miles from Court House in Phoenix):					
Brush	.57	.38	.50		.05
Spray	.57	.38	.50		.05
Steel and bridge, brush	.57	.38	.50		.05
Steel and bridge, spray	.57	.38	.50		.05
Zone C (60 miles and over from Court House in Phoenix):					
Brush	.57	.38	.50		.05
Spray	.57	.38	.50		.05
Steel and bridge, brush	.57	.38	.50		.05
Steel and bridge, spray	.57	.38	.50		.05
PAINTERS: (Tucson and Yuma Areas)					
Zone A (0-30 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	.47	.35			.04
Spray	.47	.35			.04
Steel and bridge, brush	.47	.35			.04
Steel and bridge, spray	.47	.35			.04
Zone B (31-40 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	.47	.35			.04
Spray	.47	.35			.04
Steel and bridge, brush	.47	.35			.04
Steel and bridge, spray	.47	.35			.04
Zone C (41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	.47	.35			.04
Spray	.47	.35			.04
Steel and bridge, brush	.47	.35			.04
Steel and bridge, spray	.47	.35			.04
PAINTERS: (Phoenix Area)					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush	.47	.35			.04
Spray	.47	.35			.04
Steel and bridge, brush	.47	.35			.04
Steel and bridge, spray	.47	.35			.04



Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
PAINTERS: (Cont'd)					
Zone D (51 miles and over from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	.47	.35			.04
Spray	.47	.35			.04
Steel and bridge, brush	.47	.35			.04
Steel and bridge, spray	.47	.35			.04
PLASTERERS (Phoenix Area):					
Zone A (0-35 miles from Phoenix)	.60	.85			.035
Zone B (35-60 miles from Phoenix)	.60	.85			.035
Zone C (60 miles and over from Phoenix)	.60	.85			.035
PLASTERERS (Tucson Area):					
Zone A (0-30 miles from Tucson)	.35	.60			
Zone B (30-40 miles from Tucson)	.35	.60			
Zone C (40-50 miles from Tucson)	.35	.60			
Zone D (Over 50 miles from Tucson)	.35	.60			
PLUMBERS; Steamfitters:					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.					
Zone I (0-15 miles)	.65	1.24	1.25		.10
Zone II (15-30 miles)	.65	1.24	1.25		.10
Zone III (30-40 miles)	.65	1.24	1.25		.10
Zone IV (40 miles and over)	.65	1.24	1.25		.10

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
ROOFERS (Tucson Area):					
Asbestos; Shinglers; Tile and Waterproofing:					
Zone A (0-44 miles from Tucson)	.65	.20			.03
Zone B (Over 44 miles from Tucson)	.65	.20			.02
ROOFERS (Phoenix Area):					
Roofers and Waterproofers	.45	.20			.02
SHEET METAL WORKERS:					
Zone Bases - from the Administration Building or City Hall in Flagstaff, Holbrook, Phoenix, Prescott and Yuma:					
Zone I (0-25 miles)	.40	.56			.02
Zone II (25-50 miles)	.40	.56			.02
Zone III (50 miles and over)	.40	.56			.02
SHEET METAL WORKERS:					
Zone Bases - from the Administration Building or City Hall in Douglas and Tucson:					
Zone A (1-17 miles)	.63	1.30			.01
Zone B (18-28 miles)	.63	1.30			.01
Zone C (29-40 miles)	.63	1.30			.01
Zone D (41 miles and over)	.63	1.30			.01
SOFT FLOOR LAYERS (Phoenix Area):					
Zone A (0-40 miles from Court House in Phoenix and Flagstaff including Luke and Williams Air Force Bases)	.49	.12			.12
Zone B (41-60 miles from Court House in Phoenix and Flagstaff)	.49	.12			.12
Zone C (61 miles and over from Court House in Phoenix and Flagstaff)	.49	.12			.12
SOFT FLOOR LAYERS (Tucson Area):					
SPRINKLER FITTERS	.38	.80			.08
TERRAZZO WORKERS; Tile Setters; Marble Masons (Tucson Area)	.50	.60			
TERRAZZO, TILE and MARBLE SETTERS' HELPERS (Tucson Area)	.60	.60			
	.70				







LABORERS

Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer

Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe daulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and Water Wash-Out Nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos's chair or safety belt); Tampers (mechanical all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunitite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunitite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping

Group 8: Mason Tenders

Group 8A: Plaster Tenders

LABORERS (Cont'd)  
(TUNNEL and SHAFT WORKERS)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)

Group 2: Nipper; Chucktender, Cabletender, Vibratorman, Jackhammer, Pneumatic tools (except driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, driller powderman; Cherry picker; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher

Group 4A: Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder



POWER EQUIPMENT OPERATORS  
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oilier; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as Fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Scream operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)  
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane-operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Cunniff, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over); Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over



## TRUCK DRIVERS

- Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver
- Group 2: Buggy, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen
- Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)
- Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity
- Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.
- Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman
- Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer
- Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)
- Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-allis; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over
- Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man
- Group 8-B: Field Equipment Serviceman or Fuel Truck Driver
- Group 8-C: Heavy Duty Mechanic/Welder, Helper



STATE: Arizona  
 COUNTY: Maricopa  
 DATE: Date of Publication  
 DECISION NUMBER: AZ75-5077  
 Supersedes Decision No. AZ75-5035 dated March 21, 1975, in 40 FR 12960.  
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. AZ75-5077

# ELECTRICIANS:

Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; West on Baseline Road to the intersection Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then north-west on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloit Road. West on Beloit Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)

Electricians  
 Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
ASBESTOS WORKERS					
BOILERMAKERS	\$ 9.89	.50	.82		.01
BRICKLAYERS; Stonemasons:	10.85	.65	1.00	.50	.02
Zone A (0-25 miles from City Hall of Phoenix; Flagstaff and Yuma)	9.07	.50	.45		.03
Zone B (25-40 miles from City Hall of Phoenix; and Williams AFB)	9.52	.50	.45		.03
Zone C (40-70 miles from City Hall of Phoenix)	10.43	.50	.45		.03
Zone D (70-100 miles from City Hall of Phoenix)	10.88	.50	.45		.03
Zone E (100-200 miles from City Hall of Phoenix)	11.34	.50	.45		.03
Zone F (200 miles and over from City Hall of Phoenix)	11.79	.50	.45		.03
CARPENTERS:					
Carpenters; Drywall Applicator	9.085	.845	.955		.05
Filedrivermen; Floorlayers (finish)	9.37	.845	.955		.05
Millwrights	9.50	.845	.955		.05
CEMENT MASONS:					
(Northern Portion)	9.01	.75	1.00		.05
(Southern Portion)	9.32	.70	.75		.05
DRYWALL:					
(From Court House in Phoenix, Mesa, including Williams AFB and Luke AFB)					
Tapers:					
Zone A (0-40 miles)	8.90	.49		.50	.07
Zone B (41-60 miles)	10.40	.49		.50	.07
Zone C (61 miles and over)	11.15	.49		.50	.07
Texture Spraymen:					
Zone A (0-40 miles)	9.00	.49		.50	.07
Zone B (41-60 miles)	10.50	.49		.50	.07
Zone C (61 miles and over)	11.25	.49		.50	.07



## DECISION NO. A275-5077

DECISION NO. A-275-5011

ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south, Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)	\$ 12.28 12.89	.60 .60	1% + .70 1% + .70		3/4% 3/4%	
Electricians Cable Splicers Zone C (Outside edge of Zone B and extend to the outside limits of the Union's Jurisdiction.)	13.22 13.88 9.255 70%JR	.60 .60 .395 .395	1% + .70 1% + .70 .26 .26		3/4% 3/4% .02 .02	
Electricians Cable Splicers ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS (PROB.) GLAZIERS IRONWORKERS	50%JR 8.15 10.08	.35 .88	.30 1.325	.56	.01 .08	

### PAINTERS:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):				
Brush; Tapers	.57	.38	.50	.05
Spray; Paperhangers	.57	.38	.50	.05
Zone B (41-60 miles from Court House in Phoenix):				
Brush; Tapers	.57	.38	.50	.05
Spray; Paperhangers	.57	.38	.50	.05
Zone C (61 miles and over from Court House in Phoenix):				
Brush; Tapers	.57	.38	.50	.05
Spray; Paperhangers	.57	.38	.50	.05
PLASTERERS (Northern 3/4 of Co.):				
Zone A (0-35 miles from Phoenix)	.60	.85		.035
Zone B (35-60 miles from Phoenix)	.60	.85		.035
Zone C (60 miles & over from Phoenix)	.60	.85		.035
PLASTERERS (Southern 1/4 of Co.):				
Zone A (0-30 miles from Tucson)	.35	.60		
Zone B (30-40 miles from Tucson)	.35	.60		
Zone C (40-50 miles from Tucson)	.35	.60		
Zone D (over 50 miles from Tucson)	.35	.60		
LUMBERS; Steamfitters;				
FREE ZONE 0-15 miles				
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.	.65	1.24	1.25	.10



DECISION NO. AZ75-5077

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
ROOFERS				
SHEET METAL WORKERS:				
Zone I (0-25 miles from Phoenix)	.45	.20		.02
Zone II (25-50 miles from Phoenix)	.40	.56		.02
Zone III (50 miles and over from Phoenix)	.40	.56		.02
SOFT FLOOR LAYERS:				
Zone A (0-40 miles from Court House in Phoenix, and including Luke and Williams Air Force Bases)	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix)	.49	.12		.12
Zone C (61 miles and over)	.49	.12		.12
SPRINKLER FITTERS	.50	.80		.08
FOOTNOTE:				
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F				
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				

DECISION NO. AZ75-5077

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
PLUMBERS; Steamfitters (Cont'd)				
Zone II (15-50 miles)	.65	1.24	1.25	.10
Zone III (35-40 miles)	.65	1.24	1.25	.10
Zone IV (40 miles and over)	.65	1.24	1.25	.10
Plumbers:				
(Phoenix Area)				
Utility Mechanics (For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping) (Installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (Pipe layers fountain and equipment installation, service and maintenance landscaping and nurserymen); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); Residential Plumbing Service Work including repair and service of the plumbing in single family dwellings and multiple single family dwellings; Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple single family dwellings and heating systems)	.65			.02



LABORERS

- Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, General or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer
- Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine Grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator
- Group 3: Bander; Chucktender (except tunnel); Greosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers
- Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)
- Group 5: Air and Water Wash-Out Nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chair or safety belt); Tampers (mechanical - all types); Precast manhole erector
- Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)
- Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping
- Group 8: Mason Tenders
- Group 8A: Plaster Tenders

LABORERS

- Group 1:  
Group 2:  
Group 3:  
Group 4:  
Group 5:  
Group 6:  
Group 7:  
Group 8:  
Group 8-A:

POWER EQUIPMENT OPERATORS  
(Except Piledriving and Steel Erection)

- Group 1:  
Group 2:  
Group 3:  
Group 4:  
Group 5:  
Group 5-A:  
Group 6:  
Group 7:

TRUCK DRIVERS

- Group 1:  
Group 2:  
Group 3:  
Group 4:  
Group 5:  
Group 5-A:  
Group 6:  
Group 7:  
Group 8:  
Group 8-A:  
Group 8-B:  
Group 8-C:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.13	.70	.75		.08
7.26	.70	.75		.08
7.40	.70	.75		.08
7.51	.70	.75		.08
7.68	.70	.75		.08
8.055	.70	.75		.08
8.685	.70	.75		.08
7.875	.70	.75		.08
8.28	.70	.75		.08
7.77	.75	.80		.04
8.14	.75	.80		.04
8.60	.75	.80		.04
9.13	.75	.80		.04
9.66	.75	.80		.04
9.97	.75	.80		.04
10.30	.75	.80		.04
10.90	.75	.80		.04
7.31	.70	.75		.04
7.44	.70	.75		.04
7.66	.70	.75		.04
8.01	.70	.75		.04
8.17	.70	.75		.04
8.35	.70	.75		.04
8.49	.70	.75		.04
8.90	.70	.75		.04
9.415	.70	.75		.04
10.07	.70	.75		.04
7.87	.70	.75		.04
9.76	.70	.75		.04



POWER-EQUIPMENT OPERATORS  
(Except Pile-driving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oilier; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Scream operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Belcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)  
(Except Pile-driving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over



## TRUCK DRIVERS

- Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver
- Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen
- Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpter, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)
- Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpter, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity
- Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.
- Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman
- Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer
- Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)
- Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpter, 16 c.y. and over; Eject-allis; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over
- Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man
- Group 8-B: Field Equipment Serviceman or Fuel Truck Driver
- Group 8-C: Heavy Duty Mechanic/Welder Helper



## SUPERSEDEAS DECISION

STATE: Arizona  
 COUNTY: Pima  
 DECISION NUMBER: A275-5078  
 DATE: Date of Publication  
 Supersedes Decision No. A275-5036 dated March 21, 1975, 40 FR 12966.  
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocallon	App. Tr.
ASBESTOS WORKERS				
BOILERMAKERS				
BRICKLAYERS; Stonemasons:				
Zone A (0-15 miles from Tucson)	.50	.82		.02
Zone B (15-30 miles from Tucson)	.65	1.00	.50	.02
Zone C (30-40 miles from Tucson)	.60	.60		.06
Zone D (Over 40 miles from Tucson)	.60	.60		.06
CARPENTERS:				
Carpenters; Drywall Applicators	.60	.60		.06
Piledriversmen; Floorlayers	.845	.955		.025
(finish)	.845	.955		.025
Millwrights	.845	.955		.025
CEMENT MASONS	.70	.75		.05
ELECTRICIANS:				
Zone A (within 16 miles of City Hall, Tucson)	.45	1%		1/2%
Zone B (From 16-32 miles from City Hall, Tucson)	.45	1%		1/2%
Zone C (From 32-48 miles from City Hall, Tucson)	.45	1%		1/2%
Zone D (Over 48 miles from City Hall, Tucson)	.45	1%		1/2%
ELEVATOR CONSTRUCTORS	.45	.26		.02
ELEVATOR CONSTRUCTORS' HELPERS	.395	.26	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	.395	.26	3%+a	.02
GLAZIERS	.35	.30	.56	.01
IRONWORKERS	.88	1.325		.08
MARBLE SETTERS; Terrazzo Workers; Tile Setters	.60	.60		
MARBLE, TERRAZZO and TILE SETTERS' HELPERS	.70			
PAINTERS, Brush:				
Zone A (1-30 miles from Tucson P. O.)	.47	.35		.04
Zone B (31-40 miles from Tucson P. O.)	.47	.35		.04
Zone C (41-50 miles from Tucson P. O.)	.47	.35		.04
Zone D (51 miles and over)	.47	.35		.04

DECISION NO. A275-5078

PAINTERS, Structural steel, brush:  
 Zone A (0-30 miles from Tucson P. O.)

Zone B (31-40 miles from Tucson P. O.)

Zone C (41-50 miles from Tucson P. O.)

Zone D (51 miles and over) P. O.)

PLASTERERS:

Zone A (0-30 miles from Tucson P. O.)

Zone B (30-40 miles from Tucson P. O.)

Zone C (40-50 miles from Tucson P. O.)

Zone D (Over 50 miles from Tucson P. O.)

PLUMBERS; Steamfitters:  
 Tucson P. O.)

FREE ZONE 0-15 miles  
 The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones.) Any work contracted from outside of these zones will be determined from the Phoenix and Tucson basing points.

Zone II (15-30 miles)

Zone III (30-40 miles)

Zone IV (40 miles and over)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocallon	App. Tr.
\$8.43	.47	.35		.04
9.18	.47	.35		.04
9.93	.47	.35		.04
10.43	.47	.35		.04
8.57	.35	.60		
9.07	.35	.60		
9.32	.35	.60		
10.07	.35	.60		
9.39	.65	1.24	1.25	.10
9.74	.65	1.24	1.25	.10
10.16	.65	1.24	1.25	.10
10.46	.65	1.24	1.25	.10



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## ROOFERS:

Zone A (0-44 miles from Tucson)  
 Zone B (Over 44 miles from Tucson)

## SHEET METAL WORKERS:

Zone A (1-17 miles from Tucson)  
 Zone B (18-28 miles from Tucson)  
 Zone C (29-40 miles from Tucson)  
 Zone D (41 miles and over from Tucson)

## SOFT FLOOR LAYERS

## SPRINKLER FITTERS

11.15

## FOOTNOTE:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Fund.  
 6 Paid Holidays: A through F.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$7.47	.65	.20			.03
9.22	.65	.20			.03
9.04	.63	1.30			.01
9.54	.63	1.30			.01
10.54	.63	1.30			.01
11.54	.63	1.30			.01
7.25	.38				
11.15	.50	.80			.08

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## LABORERS

Group 1:  
 Group 2:  
 Group 3:  
 Group 4:  
 Group 5:  
 Group 6:  
 Group 7:  
 Group 8:  
 Group 8-A:

POWER EQUIPMENT OPERATORS  
(Except Pile-driving & Steel Erection)

Group 1:  
 Group 2:  
 Group 3:  
 Group 4:  
 Group 5:  
 Group 5-A:  
 Group 6:  
 Group 7:

## TRUCK DRIVERS

Group 1:  
 Group 2:  
 Group 3:  
 Group 4:  
 Group 5:  
 Group 5-A:  
 Group 6:  
 Group 7:  
 Group 8:  
 Group 8-A:  
 Group 8-B:  
 Group 8-C:

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$7.13	.70	.75			.08
7.26	.70	.75			.08
7.40	.70	.75			.08
7.51	.70	.75			.08
7.68	.70	.75			.08
8.055	.70	.75			.08
8.685	.70	.75			.08
7.875	.70	.75			.08
8.28	.70	.75			.08
7.77	.75	.80			.04
8.14	.75	.80			.04
8.60	.75	.80			.04
9.13	.75	.80			.04
9.66	.75	.80			.04
9.97	.75	.80			.04
10.30	.75	.80			.04
10.90	.75	.80			.04
7.31	.70	.75			.04
7.44	.70	.75			.04
7.66	.70	.75			.04
8.01	.70	.75			.04
8.17	.70	.75			.04
8.35	.70	.75			.04
8.49	.70	.75			.04
8.90	.70	.75			.04
9.415	.70	.75			.04
10.07	.70	.75			.04
7.87	.70	.75			.04
9.76	.70	.75			.04



POWER-EQUIPMENT OPERATORS  
(Except Piledriving and Steel Erection)

- Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator
- Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power
- Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver; Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment
- Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Scaled operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

- Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

- Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

LABORERS

- Group 1: All helpers Not-Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoscman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer
- Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettlemann - Tarmann; Power type concrete buggy; Lazer beam operator
- Group 3: Bander; Chucktender (except tunnel); Greosote tieman; Guinea chaser; powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers
- Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)
- Group 5: Air and Water Wash-Out Nozzlemann; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos's chair or safety belt); Tampers (mechanical all types); Precast manhole erector
- Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzlemann)
- Group 7: Concrete Road Form Setter; Gunite nozzlemann or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping
- Group 8: Mason Tenders
- Group 8A: Plaster Tenders



POWER EQUIPMENT OPERATORS (Cont'd)  
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator- Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver

Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen

Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity

Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.

Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman

Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer

Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)

Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-allis; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over

Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-B: Field Equipment Serviceman or Fuel Truck Driver

Group 8-C: Heavy Duty Mechanic/Welder Helper



## SUPERSEDES DECISION

STATE: Florida  
 DECISION NUMBER: FL75-1066  
 COUNTY: \*See below  
 DATE: Date of Publication  
 Supersedes Decision No. AR-4039 dated September 13, 1974, in 39 FR 33157  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

## \*Counties:

Lake, Orange, Oseola, and  
 Seminole.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Air conditioning mechanics				
Bricklayers	4.33			
Carpenters	5.00			
Cement masons	5.25			
Drywall finishers	6.00			
Drywall hanagers	6.00			
Electricians	6.00			
Form setters	5.00			
Glaziers	5.00			
Ironworkers	6.00			
Insulation installers	4.22			
Labors	4.36			
Mason tenders	3.00			
Mortar mixers	3.50			
Lathers	4.00			
Painters	7.00			
Plasterers	4.50			
Plumbers	7.00			
Roofers	4.00			
Tile setters	5.00			
Soft floor layers	7.00			
Truck drivers	4.25			
	3.00			
Power Equipment Operators:				
Backhoe	4.76			
Bulldozers	4.36			
Cranes and dragline	4.25			
Graders	4.25			
Rollers	4.00			
Trenching machine	5.00			
Scrapers	4.00			
Welders	4.25			



STATE: Illinois  
 DECISION NUMBER: IL75-2086  
 Supersedes Decision IL75-2001, dated January 3, 1975, in 40 FR 934  
 DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO. IL75-2086

COUNTIES: See Below  
 DATE: Date of Publication

**COUNTIES:** Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford

**CARPENTERS:**

Iroquois & Kankakee Cos; (N. of Garber & Guthrie) in Ford County  
 Remainder of Ford County  
 Woodford County

Marshall & Putnam Cos; (Peru, Ottawa & Streator & Vicinities in LaSalle County

Grundy Co; Marseilles & Vicinity in LaSalle County

McLean County  
 Livingston County

**CEMENT MASONS:**

LaSalle & Putnam Counties  
 Livingston & McLean Counties; E. of Roanoke in Woodford County

Marshall Co., & Remainder of Woodford County

Iroquois & Kankakee Counties  
 Ford County

Grundy County

**ELECTRICIANS:**

Grundy County  
 Tps. of Fountain Creek, Love Joy & Prairie Green in Iroquois Co.

Area south of Roberts Twp. in Ford Co; Tps. of Artesia, Pigeon Grove & Loda in Iroquois County

Kankakee Co; Remainder of Ford & Iroquois Counties

Northern & Central Southern part of LaSalle Co; Walnut, Ohio, LeMoyne, Clarion, Bureau, Dover, Berlin & Westville Tps. in Bureau County

Vicinity of LaSalle S.W. part of County; Remainder of Putnam Co; Tps. of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Nacon, Manilus, Milo, Mineral, Neponset, Princeton, Selby, Wheatland & Wynant in Bureau County

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.56	.35	.30			
8.715	.30	.60			.08
8.51	.35	.40			.02
9.50	.45	.35			.03
9.995	.35	.53			.02
8.265	.35	.40			
8.40	.35				
9.00		.50			
9.48	.40				.10
9.40	.40	.40			.05
8.95	.30				.025
9.025	.30				.04
9.87	.40	.65			
11.38	.30	1 1/4+.20	.65		.2%
9.47	.30	1 1/4+.30			.25%
9.40	.30	1 1/4+.20			.4%
9.03	.30	1 1/4+.30	5%		3/8 of 1%
11.10	.30	1 1/4+.20	.65		.2%
9.50	.30	1 1/4+.20			.25

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.17	.30	1 1/4+.30			1%
9.40	.30	1 1/4+.20			.4%
9.00	.30	1 1/4+.25			.2%
9.70	.50	.50			.03
9.25	1.75	.225			.02
8.70	.40	.60			.08
9.025	.40	.475			
10.62	.50	.375			.02
9.57	.30	1 1/4+.30			1/2 of 1%
7.87	.30	1 1/4+.30			1/2 of 1%
7.36	.30	1 1/4+.30			1/2 of 1%
7.00	.30	1 1/4+.30			1/2 of 1%
10.25	5%	4%	8 1/2%		1/2%
8.25	5%	4%	8 1/2%		1/2%
11.38	.30	1 1/4+.20	.65		.2%
11.78	.30	1 1/4+.20	.65		.2%
10.38	.30	1 1/4+.20	.65		.2%

**ELECTRICIANS (CONT'D)**

Area west of Bell Plaine & Roberts Tps. in Marshall Co; Area west of but not including Linn, Kankas, Palestine, Roanoke, Cazenovia & Metamora Tps. in Woodford Co.

Livingston Co; Vic. of Streator-S.E. part of county South of Eden in LaSalle Co; Magnolia Twp. in Putnam Co; Area east of Cazenovia & Metamora Tps., including Linn, Clayton, Minak, Roanoke, Green & Panola Tps. in Woodford County; Remainder of Marshall Co.

McLean County; Tps. of Elpaso, Kansas & Palestine-SE Corner of Woodford County

**IRONWORKERS:**  
 Iroquois & Kankakee Counties  
 Grundy County

Ford Co; Livingston Co; Eastern part of McLean County

Woodford Co; S.W. Corner of Marshall County

LaSalle & Putnam Cos; Remainder of Marshall County

**LINEMEN:**  
 Iroquois County:  
 Linemen, Groundman Equip. Opt.

Groundman Truck Driver:  
 W/Winch  
 W/O/Winch

Groundman  
 Kankakee County:  
 Linemen, Equipment Operators

Groundmen  
 Grundy County:  
 Linemen & Equipment Operators

Cable Splicer  
 Groundmen



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**LINEMEN (CON'T)**  
 Ford, LaSalle, Livingston, McLean,  
 Marshall, Putnam & Woodford Cos:  
 Linemen  
 Groundman Equip. Opr.-Class I  
 Groundman Truck Driver:  
     W/Winch  
     WO/Winch  
 Groundman Class "A"  
**PAINTERS:**  
 Putnam Co; Twps. of Mendota,  
 Ogelsby, Utica & Peru in LaSalle  
 County:  
     Industrial & Structural Steel  
     Brush  
     Spray & Sandblasting  
 Remainder of LaSalle County:  
     Industrial; Structural Steel &  
     Bridges  
     Brush  
     Spray  
 Grundy County:  
     Bridges W/Butt Plates & Hand  
     Rails Only  
     Bridges W/O Superstructures  
     Bridges W/Superstructures & Lift  
     Type  
 Kankakee & Iroquois Counties:  
     Brush & Roller  
     Spray  
 Marshall & Woodford Counties:  
     Brush  
     Structural Steel, Bridge & Spray  
**TRUCK DRIVERS:**  
 Kankakee & Iroquois Counties  
     2-3 Axle Trucks  
     4-Axle Trucks  
     5-Axle Trucks  
     6-Axle Trucks  
 Grundy County; Remainder of Liv-  
 ington & Woodford Counties:  
     2-3 Axle Trucks  
     4-Axle Trucks  
     5-Axle Trucks  
     6-Axle Trucks

FOOTNOTE: a-Per Week Per Employee

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$9.66 9.01	.35	1%		.25%
6.74 6.42 6.13	.35 .35 .35	1% 1% 1%		.25% .25% .25%
7.65 8.65	.40 .40	.30 .30		
8.80 9.80	.45 .45	.15 .15		
9.20 9.70	.42 .42	.35 .35		.03 .03
10.20	.42	.35		.03
8.45 9.70	.40 .40	.25 .25		
8.05 8.45	.40 .40	.30 .30		
6.70 6.90 7.10 7.25	a12.50 a12.50 a12.50 a12.50	a11.00 a11.00 a11.00 a11.00		
6.60 6.75 6.95 7.15	a15.00 a15.00 a15.00 a15.00	a19.00 a19.00 a19.00 a19.00		

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**LABORERS:**

**LASALLE & PUTNAM COUNTIES**

UNSKILLED  
 SEMI-SKILLED  
 SKILLED

FORD, LIVINGSTON, IROQUOIS, MCLEAN,  
 KANKAKEE, MARSHALL & WOODFORD COS.  
 UNSKILLED  
 SEMI-SKILLED  
 SKILLED

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.42 7.62 7.82	.30 .30 .30	.20 .20 .20		.035 .035 .035
7.33 7.53 7.73	.30 .30 .30	.20 .20 .20		.035 .035 .035

**CLASSIFICATIONS**

**UNSKILLED**

Unskilled Laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flag-men, gravel box men, dumpmen and spotters, form handlers, material checkers, dispatchers, landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and house-movers, driving of stakes, stringlines for all machinery.

**SEMI-SKILLED**

Handling of materials treated with oil, creosote asphalt or any foreign material, track laborers, cement handlers, chloride handlers, the unloading & laborers with steel work-ers & re-bars, concrete workers, (wet), tunnel helpers in free air, batch dumpers, mason & plasterer tenders & material wheelers, kettle & tamen, tank cleaners, plastic instal-lers, scaffold workers, motorized buggies or motorized unit used for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod & chainmen with technical engineers, rod & chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting & trying or reinforcing, deck hand, dredge hand & shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker.

**SKILLED**

Dynamite man or blasters, calisson workers plus depth, gunnite nozzlemen, leadman on sewer work, welders, cutters, burners, and torchmen, chainsaw operators, jackhammer and drill operators, layout man, steel form setter-street and highway, air tamping hammerman, signal man on crane, concrete saw operators, screeman on asphalt pavers, laborers tend-ing masons with hot materials are used, multiple concrete duct-leadman, luteman, curb asphalt machine operator, ready mix scalmen, portable or temporary plant, laborers handling masterplate or similar materials, laser beam operator, concrete burning machine operator, coring machine operator.



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LABORERS:  
GRUNDY COUNTY:Common Laborers; Plasterers  
Laborers; Pumps for Dewatering  
& other Unclassified Laborers

Cement Gun Laborers

Scaffold Laborers & Chimney  
Laborers over 40'Windlass & Cement Gun Nozzle  
Laborers - Gunnite

Stone Handlers &amp; Derrickmen

Jackhammermen

Concrete Vibrator; Plumbers  
Laborer & Chain Saw OperatorFirebrick & Boiler Setters'  
LaborersChimney Laborers on Firebrick;  
Caisson Diggers & Well Point  
System Men

Boiler Setter Plastic Laborers

Jackhammermen on Firebrick Only

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.20	.57	1.10		
7.275	.57	1.10		
7.30	.57	1.10		
7.35	.57	1.10		
7.40	.57	1.10		
7.425	.57	1.10		
7.45	.57	1.10		
7.525	.57	1.10		
7.55	.57	1.10		
7.65	.57	1.10		
7.775	.57	1.10		

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## POWER EQUIPMENT OPERATORS:

LASALLE, GRUNDY, KANKAKEE, LIVING-  
STON COS; EAST OF THE ILLINOIS  
RIVER IN PUTNAM COUNTY

CLASS I

CLASS II

CLASS III

CLASS IV

CLASS V

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.90	.50	.70	.20	.05
9.35	.50	.70	.20	.05
8.70	.50	.70	.20	.05
7.70	.50	.70	.20	.05
6.70	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; EAST OF THE  
ILLINOIS RIVER IN PUTNAM COUNTY

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1, 2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel excavator widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Cypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats



## DECISION NO. 1175-2086

POWER EQUIPMENT OPERATORS:  
MARSHALL, MCLEAN & WOODFORD COS;

## REMAINDER OF PUTNAM COUNTY

Group 1  
Group 2  
Group 3  
Group 4  
Group 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.895	.45	.55		.05
8.695	.45	.55		.05
8.42	.45	.55		.05
8.145	.45	.55		.05
8.035	.45	.55		.05

## POWER EQUIPMENT OPERATORS:

## MARSHALL, MCLEAN &amp; WOODFORD COS; REMAINDER OF PUTNAM COUNTY

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, \$.01 per hour, per ft., over 80' including jib all cherry pickers; cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - sequeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, \$.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tunnelger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

## DECISION NO. 1175-2086

## POWER EQUIPMENT OPERATORS (CONT'D) LASALLE, GRUNDY, KAIKAKEE, LIVINGSTON COS; EAST OF THE ILLINOIS RIVER IN PUTNAM COUNTY

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

## CLASS V Oilers



DECISION NO. IL75-2086

POWER EQUIPMENT OPERATORS (Cont'd)  
MARSHALL, MCLEAN & WOODFORD COS;  
REMAINDER OF PUTNAM COUNTY

Group 3: ApSCO spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL75-2086  
TRUCK DRIVERS: LASALLE, MCLEAN,  
FORD, PUTNAM COS; LONG POINT,  
NEWTON, READING & SUNBURY TOWNS.  
IN LIVINGSTON COUNTY

GROUP I  
GROUP II  
GROUP III

Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Pensions	Vacation
\$8.85	.50	a14.00	
9.25	.50	a14.00	
9.45	.50	a14.00	

TRUCK DRIVERS: LASALLE, MCLEAN, FORD, PUTNAM COS; LONG POINT, NEWTON, READING & SUNBURY TOWNS. IN LIVINGSTON COUNTY

GROUP I:

Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:

2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:

2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:

a.-Per Week Per Employee.

NOTICES

28337



## SUPERSEDES DECISION

STATE: Illinois  
 DECISION NUMBER: IL75-2087  
 SUPERSEDES Decision No. IL75-2015, dated February 14, 1975, 40 FR 6927  
 DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: See Below

DATE: Date of Publication

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Mont-Gomery, St. Clair & Washington

## CARPENTERS &amp; PILEDRIVMEN:

Bond, Calhoun, Greene, Jersey & Madison Counties  
 Clinton, Monroe, St. Clair & Washington Counties  
 Macoupin and Montgomery Counties

## CEMENT MASONS:

Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western 1/2 of Clinton County, East to but not including Carlyle; Southern part of Bond County, north to & including Smithboro; Remainder of Madison County

Greene, Macoupin & Montgomery Counties; Eastern 1/2 of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section of Madison County

## ELECTRICIANS:

Portion east of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County  
 Athensville, Scottville, Girard & Areas north thereof in Macoupin Co; N.W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twp.

Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co. Eastern 1/2 of Bond County, Huey, Hoffman & Vicinity in Clinton County & Remainder of Washington County

Monroe & St. Clair Cos; Western 1/2 of Bond Co., Vandy twp. in Washington Co., & Remainder of Clinton, Madison & Montgomery Cos.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.585	.50	.50			
9.535	.40	.75			
8.985	.50	.50			
10.425					
9.475	.60	.35			
9.54	.30	1 1/4 .25			.4%
9.07	.30	1 1/4 .30			.2%
10.19	.30	1%	6%		1/2 of 1%
9.75	.30	1 1/4 .60			1/2 of 1%
9.38	4%	1 1/4 .65			.25%

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## IRONWORKERS:

Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & south thereof in Macoupin Co., & Litchfield, Hillsborn & south thereof in Montgomery County  
 Greene, Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County

## LINEMEN:

Eastern 1/2 of Bond Co. & Remainder of Washington County:

Linemen & Digging Operator

Groundman Equipment Operator:

Class I

Class II

Groundman:

Class "A"

1st 6 Months

Northern 1/3 of Macoupin County & Remainder of Montgomery County:

Linemen

Groundman Equip. Opr.-Class I

Groundman Truck Driver-W/Winch

Groundman Truck Driver-W/Winch

Groundman Class "A"

Calhoun, Greene & Jersey Cos; S.W. corner of Macoupin Co; Alton, E.

Alton, Wood River & Hartford in Madison County:

Linemen

Groundman Truck Driver-W/Winch

Groundman & Groundman Truck Driver

Clinton, Monroe & St. Clair Cos;

Vandy Twp. in Washington County,

Western 1/2 of Bond County & Butler Grove, Grisham, Hillsboro,

North Litchfield, Raymond, S.

Litchfield, Walshville & Zanesville Twp. in Montgomery Co., & Remainder of Macoupin County:

Linemen

Groundmen Equipment Operator



DECISION NO. IL75-2087.

## HEAVY CONSTRUCTION

LABORERS:

ft. Clair County - New Athens:  
Laborers  
Brick and Plaster Mason Tenders  
Workmen cutting and burning  
w/a Torch and Men working on  
the bottom of sewer, etc.

Greene County - Roodhouse:

Laborers  
 Brick and Plaster Mason Tenders  
 Workmen cutting and burning  
 w/a torch and men working on  
 the bottom of sewer, etc.

## Dynamite Men

St. Clair County - Freeburg:

**Labors**  
Brick and Plaster Mason Tenders  
Workmen cuttin and burning on  
w/a troch and men working on  
the bottom of sewer, etc.

Dynamite Men

Macoupin County - Gillespie;

Madison County - Highland:

Labors

Brick and Plaster Mason Tenders  
Workmen cutting and burning w/a  
torch and Men working on the  
bottom of sewer, etc.

Dynamite Men

Madison County - St. Jacob:

Labors

## Brick and Plaster Mason Tenders

Workmen cutting and burning w/a

torch and Men working on the

bottom of se  
Dynamite Men

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocallon	App. Tr.
\$8.45	.25	.30		.035
8.95	.25	.30		.035
8.70	.25	.30		.035
10.05	.25	.30		.035
8.50		.50		.035
9.00		.50		.035
8.75		.50		.035
10.10		.50		.035
8.55	.25	.20		.035
9.05	.25	.20		.035
8.80	.25	.20		.035
10.15	.25	.20		.035
8.60		.40		.035
9.10		.40		.035
8.85		.40		.035
10.20		.40		.035
8.60		.40		.035
9.10		.40		.035
8.85		.40		.035
10.20		.40		.035

## TRUCK DRIVERS

GROUP I:

Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:

II: 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:

III:  
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors,  
water pulls, mechanics & working foreman; 5-axle or more combination  
units: dispatchers.

FOOTNOTES:

1935  
a.-Per Week Per Employee.



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## LABORERS (Cont'd)

Washington County - Nashville;  
 Macoupin County - Staunton;  
 Clinton County - Trenton;  
 Madison County - Troy;  
 Laborers  
 Brick and Plaster Mason Tenders  
 Workmen cutting and burning w/a  
 torch and Men working on the  
 bottom of sewer, etc.  
 Dynamite Men  
 Randolph County - Chester  
 Laborers  
 Brick and Plaster Mason Tenders  
 Workmen cutting and burning w/a  
 torch and Men working on the  
 bottom of sewer, etc.  
 Dynamite Men  
 Madison County - Glen Carbon  
 Laborers  
 Brick and Plaster Mason Tenders  
 Workmen cutting and burning w/a  
 torch and Men working on the  
 bottom of sewer, etc.  
 Dynamite Men  
 Washington County - Okawville;  
 Macoupin County - Carlinsville;  
 Clinton County; Carlyle; Bond  
 County - Greenville, Pocahontas,  
 Sorento; Calhoun County - Hardin;  
 Montgomery County - Litchfield,  
 Hillsboro; Jersey County -  
 Jerseyville; Madison County -  
 Livingston; Marine; Randolph  
 County - Sparta;  
 Laborers  
 Brick and Plaster Mason Tenders  
 Workmen cutting and burning w/a  
 torch and Men working on the  
 bottom of sewer, etc.  
 Dynamite Men

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.70 9.20		.30 .30		.035 .035
8.95 10.30		.30 .30		.035 .035
8.50 9.00		.50 .50		.035 .035
8.75 10.10		.50 .50		.035 .035
8.75 9.25		.35 .35		.035 .035
9.00 10.35		.35 .35		.035 .035
8.80 9.30		.20 .20		.035 .035
9.05 10.40		.20 .20		.035 .035

DECISION NO. IL75-2087

## HIGHWAY CONSTRUCTION

## Zone I

## Area 1: Madison County - Alton

Laborers  
 Asphalt Raker, etc.  
 Brick Mason Tenders  
 Men working on the bottom, etc.  
 Dynamite Men

## Area 2: St. Clair Co. - New Athens

Laborers  
 Asphalt Raker, etc.  
 Brick Mason Tenders  
 Men working on the bottom, etc.  
 Dynamite Men

## Area 3: St. Clair County - East

St. Louis, Madison County -  
 Granite City

## Laborers

Asphalt Raker, etc.  
 Brick Mason Tenders  
 Men working on the bottom, etc.  
 Dynamite Men

## Area 4: Madison County-Edwardsville

## Laborers

Asphalt Raker, etc.  
 Brick Mason Tenders  
 Men working on the bottom, etc.  
 Dynamite Men

## Area 5: Madison County - Wood

## River

## Laborers

Asphalt Raker, etc.  
 Brick Mason Tenders  
 Men working on the bottom, etc.  
 Dynamite Men

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.45 8.55 8.95 8.70 9.975	.35 .35 .35 .35 .35	.30 .30 .30 .30 .30		.035 .035 .035 .035 .035
8.55 8.65 9.05 8.80 10.075	.25 .25 .25 .25 .25	.30 .30 .30 .30 .30		.035 .035 .035 .035 .035
8.15 8.25 8.65 8.40 9.675	.40 .40 .40 .40 .40	.55 .55 .55 .55 .55		.035 .035 .035 .035 .035
8.80 8.95 9.35 9.10 10.375		.25 .25 .25 .25 .25		.035 .035 .035 .035 .035
8.60 8.70 9.10 8.85 10.125		.50 .50 .50 .50 .50		.035 .035 .035 .035 .035



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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Area 5: Randolph County - Chester				
Laborers		.50		.035
Asphalt Raker, etc.		.50		.035
Brick Mason Tenders		.50		.035
Men working on the bottom, etc.		.50		.035
Dynamite Men		.50		.035
10.125				
Area 6: Green County - Roodhouse				
Laborers		.50		.035
Asphalt Raker, etc.		.50		.035
Brick Mason Tenders		.50		.035
Men working on the bottom, etc.		.50		.035
Dynamite Men		.50		.035
10.125				
Area 7: Madison County - Highland				
Macoupin County - Gillespie				
Laborers		.40		.035
Asphalt Raker, etc.		.40		.035
Brick Mason Tenders		.40		.035
Men working on the bottom, etc.		.40		.035
Dynamite Men		.40		.035
10.225				
Area 8: Montee County - Columbia				
Laborers		.25		.035
Asphalt Rakers, etc.		.25		.035
Brick Mason Tenders		.25		.035
Men working on the bottom, etc.		.25		.035
Dynamite Men		.25		.035
10.375				
Area 9: St Clair Co. - Freeburg				
Laborers	.25	.20		.035
Asphalt Raker, etc.	.25	.20		.035
Brick Mason Tenders	.25	.20		.035
Men working on the bottom, etc.	.25	.20		.035
Dynamite Men	.25	.20		.035
10.175				
Area 10: Madison County - St. Jacob				
Laborers		.40		.035
Asphalt Raker, etc.		.40		.035
Brick Mason Tenders		.40		.035
Men working on the bottom, etc.		.40		.035
Dynamite Men		.40		.035
10.225				

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Area 1: Washington County - Ashley and Okawville; Macoupin County - Mt. Olive, Shipman and Carlinville; St. Clair County - Mascoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Sparta				
Bond County - Greenville; Pocahontas and Serento; Calhoun County - Hardin; Montgomery County - Hillsboro and Litchfield				
Laborers		.20		.035
Asphalt Raker, etc.		.20		.035
Brick mason tenders		.20		.035
Men working on the bottom, etc.		.20		.035
Dynamite Mne		.20		.035
10.425				
Area 2: Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy				
Laborers		.30		.035
Asphalt Raker, etc.		.30		.035
Brick Masons Tenders		.30		.035
Men working on the bottom, etc.		.30		.035
Dynamite Men		.30		.035
10.325				
Area 3: St. Clair Co. - Belleville				
Laborers	.30	.40		.035
Asphalt Raker, etc.	.30	.40		.035
Brick Masons Tenders	.30	.40		.035
Men working on the bottom, etc.	.30	.40		.035
Dynamite Men	.30	.40		.035
9.925				
Area 4: Madison County - Glen Carbon				
Laborers		.35		.035
Asphalt Raker, etc.		.35		.035
Brick Mason Tenders		.35		.035
Men working on the bottom, etc.		.35		.035
Dynamite Men		.35		.035
10.275				



DECISION NO. IL75-2087

POWER EQUIPMENT OPERATORS:

GROUP I  
GROUP II  
GROUP III  
GROUP IV  
GROUP V  
GROUP VI

a.  
b.  
c.  
d.

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant ops., plant ops., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is not required), hoists-2 drum or more (where oiler or fireman is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and board ops., (25' & over), Motor graders or pushcats, scoops or toumapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floaters, boats ops., (under 25', conveyors (1), distribution ports., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI

a. Engineers operating under air pressure  
b. Engineers operating in air over 10 lbs pressure  
c. Oilers operating under air pressure  
d. Oilers operating in air over 10 lbs pressure

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vocation	
	\$ 9.63	.42	.90		.05
	8.80	.42	.90		.05
	8.15	.42	.90		.05
	8.05	.42	.90		.05
	7.80	.42	.90		.05
	11.78	.42	.90		.05
	12.08	.42	.90		.05
	9.90	.42	.90		.05
	10.40	.42	.90		.05



STATE: Illinois  
 COUNTY: Cook  
 DATE: Date of Publication  
 DECISION NUMBER: IL75-2092  
 Supersedes Decision No. AR-3064, dated August 9, 1974, in 39 FR 28800  
 DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	\$10.36	.58	.67		.05
BOILERMAKERS	10.00	.65	1.00	4%	.02
BRICKLAYERS & STONEMASONS	9.95	.50	.60		.03
CARPENTERS:					
Building, Heavy & Highway	9.65	.55	.63		.06
Carpenters & Soft Floor Layers	9.65	.55	.63		.06
Millwrights & Pile/Drivermen					
CEMENT MASONS:					
Building	9.65	.62	.65		.04
Heavy & Highway	9.10	.45	.35		.04
ELECTRICIANS	10.25	.70	.615	.57	.045
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	9.97	.445	.29	3%+a&b	.02
Helpers	70%JR	.445	.29	3%+a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.57	.26	.59		.01
IRONWORKERS:					
Structural & Reinforcing	10.75	.94	.98		.08
Ornamental	10.905	.40	.475		.05
Riggers & Machinery Movers	9.20	.40	1.025	.70	.10
LATHERS	9.32	.52	.345		.015
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linenen	10.75	5%	4%	8 1/2%	3/4%
Groundmen	8.50	5%	4%	8 1/2%	3/4%
MARBLE SETTERS	9.97	.50		.60	
PAINTERS:					
Brush, Decorators, Paperhangers & Tapers	8.30	.425	.25		.007
PLASTERERS					
PIPEFITTERS	10.85	.55	.70		.02
PLUMBERS	10.32	.55	.55		.05
POINTERS, CAULKERS & CLEANERS	9.80	.55	.70		
ROOFERS:					
Composition & Waterproofers	10.00	.65	.50		.02
Slate & Tile	10.00	.65	.50		.02
SHEET METAL WORKERS	10.35	.50	.49		.02
SPRINKLER FITTERS	10.00	.60	.70		.15
SURVEY CREW:					
Rodman	6.60	.60	.20		
Instrument Man	7.85	.60	.20		
TERRAZZO WORKERS	8.95	.30	.30		

DECISION NO. IL75-2092

TILE SETTERS  
 TILE SETTERS' HELPERS  
 TRUCK DRIVERS:

  Building & Reside. Construction:  
    2-3 Axle Trucks  
    4-Axle Trucks  
    5-Axle Trucks  
    6-Axle Trucks

  Heavy & Highway Construction:

    2-3 Axle Trucks  
    4-Axle Trucks  
    5-Axle Trucks  
    6-Axle Trucks

WELL DRILLERS:

  Driller, Pump Installer, Welder & Mechanic  
  Tool Dresser, Helper

PAID HOLIDAYS: (WHERE APPLICABLE)  
 A-NEW YEAR'S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY; D-LABOR DAY;  
 E-THANKSGIVING DAY; F-CHRISTMAS DAY.

## FOOTNOTES:

- Six Paid Holidays: A through F.
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday.
- Per Week Per Employee.
- Per Day



DECISION NO. IL75-2092

LABORERS: BUILDING, HEAVY & HIGHWAYCommon Laborers; plasterer  
Laborers; Pumps for Dewatering  
& other Unclassified Laborers

Cement Gun Laborers

Scaffold Laborers & Chimney  
Laborers over 40'Welders & Cement Gun Nozzle  
Laborers - Cunnite

Stone Handlers &amp; Derricks

Jackhammermen

Concrete Vibrator; Plumbers  
Laborer & Chain Saw OperatorFirebrick & Boiler Setters'  
LaborersChimney Laborers on Firebrick;  
Caisson Diggers & Well Point  
System Men

Boiler Setter Plastic Laborers

Jackhammermen on Firebrick Only

WRECKING LABORERS:

General Laborers

Wallmen, Wreckers, Burners,  
Air Hammer Men

Smokestack or High-Man

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.20	.57	1.10		
7.275	.57	1.10		
7.30	.57	1.10		
7.35	.57	1.10		
7.40	.57	1.10		
7.425	.57	1.10		
7.45	.57	1.10		
7.525	.57	1.10		
7.55	.57	1.10		
7.65	.57	1.10		
7.775	.57	1.10		
6.47	.57	.85		
7.12	.57	.85		
7.47	.57	.85		

DECISION NO. IL75-2092

POWER EQUIPMENT OPERATORS:  
BUILDING & RESIDENTIAL CONST.

CLASS I

CLASS II

CLASS III

CLASS IV

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.30	.50	.70	.20	.05
9.00	.50	.70	.20	.05
7.95	.50	.70	.20	.05
6.75	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: BUILDING & RESIDENTIAL CONST.

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central rebar-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete mixer, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front end-loader 2 1/2 yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stresses machine, pump cures dual ram (requiring frequent lubrication & water), pumpcures, squeeze cures - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, toumapull, tractor with boom & side boom, trenching machines

CLASS II: Bulldozers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2 1/2 yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft., Air compressor - large over 150, combination - small equipment opt., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Cranes



DECISION NO. IL75-2092

POWER EQUIPMENT OPERATORS:

HEAVY, SEWER & HIGHWAY CONSTRUCTION

- CLASS I
- CLASS II
- CLASS III
- CLASS IV
- CLASS V

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$ 9.90	.50	.70	.20	.05
	9.35	.50	.70	.20	.05
	8.70	.50	.70	.20	.05
	7.70	.50	.70	.20	.05
	6.70	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: HEAVY, SEWER & HIGHWAY CONSTRUCTION

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, automatic, belt loader, caisson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 275 cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, lifts, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1, 2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractor w/ attachments, trenching machine, underground boring &/or mining machine, wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 75 Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, pull grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeez cretes; screw type pumps Cypsum bulk & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, motor, push, pulling sheeps foot, disc., compactor, etc. tug boats

POWER EQUIPMENT OPERATORS (CONT'D) HEAVY, SEWER & HIGHWAY CONSTRUCTION

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers



## SUPERSEDES DECISION

STATE: Indiana  
 DECISION NUMBER: IN75-2089  
 Supersedes Decision Nos.: IN75-2023 dated February 7, 1975 in 40 FR 6035;  
 IN75-2024 dated February 7, 1975 in 40 FR 6039; IN75-2027 dated  
 February 7, 1975 in 40 FR 6044; IN75-2028 dated February 7, 1975 in  
 40 FR 6049

COUNTIES: \*See below  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Building construction (excluding single family homes  
 and garden type apartments up to and including 4 stories), Heavy and  
 Highway Construction.  
 \*Lake, LaPorte, Porter, &  
 St. Joseph

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$10.36	.58	.67			.05
9.625	.30	.15			
10.05	.50	1.00			.01
9.65	.35	.55	.50		.01
9.10	.35	.55	.50		.01
9.67	.35	.25			.02
9.44	.40	.35			.05
8.10	.40	.35	a		.01
9.76	.50	.57			.05
8.58	.35	.50			.05
9.01	.47	.40			.05
9.57	.60	.55			.01
9.47	.60	.65			.01
8.73	.45	.70			.03
8.61	.40	.50			.01
8.62	.45	.70			.03
9.47	.60	.65			.01
8.86	.40	.50			.01
8.95	.60	.55			.01
8.85	.60	.65			.01
8.62	.45	.70			.03

DECISION NO. IN75-2089

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.55	5%	6.3%	4%		.7%
9.55	3 1/2%	5 1/2%	4%		.2%
9.60	3.8%	5%			.2%
10.35	.445	.29	3%+b+c		.02
7.245	.445	.29	3%+b+c		.02
5.175					
9.02	.445	.29	3%+b+c		.02
6.31	.445	.29	3%+b+c		.02
4.51					
7.80	.25	.25	.25		1/2 of 1%
7.25	.35		4%		
10.63	.50	.75			.05
9.05	.55	.65			.01
8.25		.35	.50		.01
8.87	.33	.25	d		.01
9.25	.35				
7.90	.42	.35			.02
8.65	.42	.35			.02
8.15	.42	.35			.02
8.65	.42	.35			.02
9.40	.42	.35			.02
8.10	.37	.30			.02
8.85	.37	.30			.02
8.35	.37	.30			.02

## ELECTRICIANS:

Lake County

LaPorte &amp; Porter Counties

St. Joseph County

ELEVATOR CONSTRUCTORS:

Lake &amp; Porter Counties:

Elevator constructors

Helpers

Helpers (Prob.)

LaPorte &amp; St. Joseph Counties:

Elevator constructors

Helpers

Helpers (Prob.)

GLAZIERS:

Lake County(excluding Hammond);

Porter County

LaPorte &amp; St. Joseph Counties

IRONWORKERS:

Lake, LaPorte (Michigan City), &amp;

Porter Counties

LaPorte (Remainder of Co.), &amp;

St. Joseph Counties

LATHERS:

Lake &amp; Porter Counties

LaPorte &amp; St. Joseph Counties

LEADBURNERS

PAINTERS:

Lake County (Hammond Area):

Commercial:

Brush

Sandblasting; Spray

Paperhanging; Vinyl

Industrial:

Brush; Roller

Sandblasting; Sign painters;

Spray

Lake County (Cary Area) &amp; Porter

County (North of Highway #6):

Commercial:

Brush

Sandblasting; Spray; Steam-

cleaning; machine spray strip-

ping

Paperhanger



DECISION NO. IN75-2089

## PAINTERS (CONT'D):

Industrial:  
Brush  
Sandblasting; Spray; Steam-  
cleaning; Machine spray strip-  
ping  
Laporte County (Excluding  
Michigan City):  
Brush  
Sandblasting; Steel  
Tapers; Spray  
Paperhangers  
Laporte County (Michigan City):  
Brush; Roller  
Sandblasting; Spray  
Porter County (Remainder of Co.):  
Brush; Sandblasters; Drywall  
tapers  
Spray  
St. Joseph County:  
Brush; Taping  
Sandblasters; Spray  
Steeplejack; Water towers

## PIPEFITTERS:

Lake, LaPorte, & Porter Counties  
PLASTERERS:  
Lake County (Hammond Area)  
Lake County (Cary Area), Porter  
County (Valparaiso)  
LaPorte, Porter (Eastern & west  
to, but not including Chesterton)  
Counties  
St. Joseph County

## PLUMBERS:

Lake County (Hammond Area)  
Lake County (Cary Area), LaPorte  
County (except LaPorte City,  
Michigan City, Trail Creek, &  
Long Beach); & Porter County  
Laporte County (Michigan City,  
Trail Creek, & Long Beach)  
PLUMBERS; Steamfitters:  
Laporte County (LaPorte City);  
St. Joseph County

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.00	.37	.30			.02
9.75	.37	.30			.02
7.20					
8.55					
8.55					
7.70					
7.60			.19		
8.60			.19		
8.00					
9.00					
7.55		.40			
8.30		.40			
8.55		.40			
10.35	.55	.70			.02
7.90	.60	.55			
8.30	.60	.25			.01
8.73	.45	.70			.03
8.77	.40	.50			.01
10.12	.55	.70			.02
10.10	.50	1.00			.02
10.42	.40	.55			.02
9.60	.38	.40			.10

DECISION NO. IN75-2039

## ROOFERS:

Lake & Porter Counties:  
Composition, Damp & waterproof  
workers; Slate, Tile & Asbestos  
Laporte & St. Joseph Counties:  
Composition, Damp & waterproof  
Slate, Tile & Asbestos  
Helpers  
SHEET METAL WORKERS:  
Lake, LaPorte, & Porter Counties  
St. Joseph County:  
SPRINKLER FITTERS:  
Lake County (30-mile radius from  
Chicago, Illinois City Hall)  
Lake County (Remainder of Co.),  
LaPorte, Porter, & St. Joseph  
Counties

## TRUCK DRIVERS:

Lake & Porter Counties:  
2 to 3 axles  
4 axles  
5 axles  
6 axles  
St. Joseph County (Building  
Construction):  
Pick-up  
Single axle  
Tandem or fuel  
Tri axle  
Semi trailer  
PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
- 6 paid holidays: A through F
- Employee contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- 8 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- per man per week
- 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$10.30	.50	.35			
8.50		.30			.03
8.65		.30			.03
5.00		.30			.03
9.87	.48	.67			.10
9.45	.48	.50			
10.00	.60	.70			.15
9.40	.50	.70			.08
7.10	16.00e	18.00e	.25		
7.30	16.00e	18.00e	.25		
7.50	16.00e	18.00e	.25		
7.70	16.00e	18.00e	.25		
6.54	14.00e	14.00e	f		
6.75	14.00e	14.00e	f		
6.86	14.00e	14.00e	f		
6.91	14.00e	14.00e	f		
6.96	14.00e	14.00e	f		



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Lake County and Porter  
County (North of U.S. Hwy #20)BUILDING, SEWER & TUNNEL  
CONSTRUCTIONGROUP A  
GROUP B  
GROUP C  
GROUP D

INDIANA-8-LAB AREA 1

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocation	
\$ 7.15	.35	.40		.09
7.35	.35	.40		.09
7.45	.35	.40		.09
8.15	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of concrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyater opera-pump crete assemblers conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders' (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

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IND-1C-AREA 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocation	
\$7.96	.35	1%	a	.5%
7.18	.35	1%	a	.5%
6.28	.35	1%	a	.5%
5.26	.35	1%	a	.5%
4.92	.35	1%	a	.5%
4.33	.35	1%	a	.5%
4.04	.35	1%	a	.5%
4.82	.35	1%	a	.5%
8.26	.35	1%	a	.5%
7.25	.35	1%	a	.5%
6.34	.35	1%	a	.5%
5.37	.35	1%	a	.5%
4.99	.35	1%	a	.5%
4.40	.35	1%	a	.5%
4.14	.35	1%	a	.5%
4.94	.35	1%	a	.5%

LINE CONSTRUCTIONNORTH INDIANA EXCLUSIVE OF CALUMET  
AREA

Linemen  
Heavy Equipment Operators:  
Class "A"  
Class "B"  
Senior Groundman Truck Driver  
With Winch  
Groundman Truck Driver:  
With Winch  
Without Winch  
Groundman:  
0 to 12 Months  
After 12 Months

CALUMET AREA

Linemen  
Heavy Equipment Operators:  
Class "A"  
Class "B"  
Senior Groundman Truck Driver With  
Winch  
Groundman Truck Driver:  
With Winch  
Without Winch  
Groundman:  
0 to 12 Months  
After 12 Months

FOOTNOTE:

a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.



DECISION NO. IN75-2089

LaPorte County and Porter County  
(South of U.S. Hwy #20)

INDIANA-6-LAB-1-S&amp;T AREA 1A

LABORERS  
BUILDING, SEWER & TUNNEL  
CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.95	.35	.40		.09
7.15	.35	.40		.09
7.25	.35	.40		.09
7.95	.35	.40		.09

GROUP A  
GROUP B  
GROUP C  
GROUP D

## CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO. IN75-2089

St. Joseph County

INDIANA-12-LAB AREA 1A

LABORERS: BUILDING CONSTRUCTIONGROUP A  
GROUP B  
GROUP C  
GROUP D

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.95	.35	.35		.09
7.15	.35	.35		.09
7.25	.35	.35		.09
7.95	.35	.35		.09

## CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

LaPorte, Porter, &amp; St. Joseph Counties

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTIONCLASS I  
CLASS II  
CLASS III

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.90	.35	.35		.07
6.05	.35	.35		.07
7.70	.35	.35		.07

## CLASSIFICATIONS

CLASS I: Unskilled Laborers

CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)

CLASS III: Dynamite and Powdermen



St. Joseph County

IND-7-DEO-BST

POWER EQUIPMENT OPERATORS:Building, Sewer & Tunnel Construction

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

## CLASSIFICATIONS

GROUP I

All Tower Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II

All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for Piledriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III

Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders  $\frac{1}{2}$  cu. yd. & under

GROUP IV

Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

Lake County

IND-3-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$6.60	.35	.35		.07
GROUP II	6.75	.35	.35		.07
GROUP III	7.50	.35	.35		.07

## CLASSIFICATIONS

GROUP I: Unskilled Laborers

GROUP II: Asphalt lucemen, Asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, hand blade operator, power tools & power equipment, side rail setters (for sidewalks, side ditches, pavements, Spreader box tenders, Tile layers, transverse & longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)

GROUP III: Dynamite and Powdermen

Lake, LaPorte (Rem. of LaPorte Co.) &amp; Porter (North on Rte. #6) Cos.

INDIANA-3-DEO-B&amp;T

POWER EQUIPMENT OPERATORS:Building, Sewer & Tunnel Construction

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

## CLASSIFICATIONS

GROUP I Mechanic (with truck \$1.00 per hour more) asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - full type, forklift - 10 ton and over, hoists, one two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cures and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II

Asphalt spreader, boilers, bulldozers combination backhoe front end loader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front end loader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III

Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV

Heaters, mechanical, oilers switchmen



LaPorte County (South of Rte. #12  
& East of Franklin Street,  
Michigan City

INDIANA-10-PRO-B&amp;T

## POWER EQUIPMENT OPERATORS:

Building, Sewer & Tunnel Construc-  
tion

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Class I	\$9.80	.50	.70		.05
Class II	9.30	.50	.70		.05
Class III	7.90	.50	.70		.05
Class IV	6.95	.50	.70		.05

## CLASSIFICATIONS

**CLASS I**  
Mechanic (with truck \$1.00 per hour more) asphalt plant, autograde, batch plant, bento (requires two engineers), boiler & throttle valve, caisson rigs, central redmix plant, combination tugger hoist & air compressor, compressor and throttle concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete tower, derricks, all, and under, concrete tower, cranes, all, cranes, tower, derricks, all, derricks, traveling, forklift-hull type forklift - 10 ton and over hoists, one, two, and three drum, hoists, two tugger one floor hydraulic boom truck, locomotive, all, pile drivers and skid rig, pit machines, pre-stress machine, pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors

**CLASS II**  
Asphalt spreader, boiler, bulldozers, combination backhoe front end loader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels or front end loader, hoists, automatic, cowboy drilling machines, hoists all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn, stone crushers, tournapull, winch trucks

**CLASS III**  
Concrete mixer (2 bag & over) conveyor, portable steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5), winches & small electric drill winches

**CLASS IV**  
Heaters, mechanical, oilers & switchmen

Lake, LaPorte, & Porter Counties

## POWER EQUIPMENT OPERATORS

## HEAVY &amp; HIGHWAY CONSTRUCTION

CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$9.40	.40	.50		.05
	9.05	.40	.50		.05
	8.60	.40	.50		.05
	7.60	.40	.50		.05
	6.70	.40	.50		.05

## CLASSIFICATIONS

**CLASS I**  
Auto patrol, automatic dry batch plant, backhoe,  $\frac{1}{2}$  yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, lead mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

**CLASS II**  
Backhoe-tractor mounted (less than  $\frac{1}{2}$  yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating, grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surf-face heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widener apscu or similar type

**CLASS III**

Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form grader, form tamper-motor driven hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill. tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. cap. & less, bituminous distributor

**CLASS IV**

Air compressors, all conveyors fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

**CLASS V**

Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington driver, assistant greaser



St. Joseph County

## POWER EQUIPMENT OPERATORS

IND.-21-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$9.30	.40	.50		.05
CLASS II	8.95	.40	.50		.05
CLASS III	8.50	.40	.50		.05
CLASS IV	7.50	.40	.50		.05
CLASS V	6.60	.40	.50		.05

## CLASSIFICATIONS

CLASS I: Auto patrol, automatic dry batch plant, backhoe,  $\frac{1}{2}$  yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift shovel-4 yds. and over, hoist-two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver-hetherington, piledriver, road paving mixer, ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb., on horizontal or upright boiler, tournapull or similar type equipment, tractor-boom, trench machine, tug boat operator, winch truck with "A"-frame

CLASS II: Backhoe-tractor mounted (less than  $\frac{1}{2}$  yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating, asphalt waterbound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsoo or similar type

CLASS III: Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader-power driven, post digger - power driven, finishing machine and bull float, form grader, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less bituminous distributor

CLASS IV: Air compressors, all conveyors fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, stripping machine, paint-motor driven, throttle valve, welding machine, well point system.

CLASS V: Oilier, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helpers on CMI & similar type machine, hetherington, assistant greaser

LaPorte County

## TRUCK DRIVERS (HEAVY &amp; HIGHWAY CONSTRUCTION)

INDIANA-12-ED-2-3

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$5.115	a13.50	a14.00		
CLASS 2	6.265	a13.50	a14.00		
CLASS 3	6.315	a13.50	a14.00		
CLASS 4	6.365	a13.50	a14.00		
CLASS 5	6.415	a13.50	a14.00		
CLASS 6	6.465	a13.50	a14.00		
CLASS 7	6.515	a13.50	a14.00		
CLASS 8	6.565	a13.50	a14.00		
CLASS 9	6.565	a13.50	a14.00		

## CLASSIFICATIONS

CLASS 1 Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2 Drivers on single axle straight trucks, batch truck wet or dry 3(34E) batches or less

CLASS 3 Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4 Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A"-Frame when used for transportation batch trucks (wet or dry) over 3(34E) batches

CLASS 5 Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6 Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7 Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8 Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9 Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

## FOOTNOTE:

a. Per week Per Employee.



49-HH-IND-TD-2-3

DECISION NO. IN75-2089

St. Joseph County

## TRUCK DRIVERS:

GROUP A  
GROUP B  
GROUP C  
GROUP D  
GROUP E  
GROUP F  
GROUP G  
GROUP H  
GROUP I  
GROUP J  
GROUP K  
GROUP L

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$7.76	17.50a	19.50a	
7.71	17.50a	19.50a	
7.66	17.50a	19.50a	
7.61	17.50a	19.50a	
7.56	17.50a	19.50a	
7.51	17.50a	19.50a	
7.46	17.50a	19.50a	
7.41	17.50a	19.50a	
7.36	17.50a	19.50a	
7.31	17.50a	19.50a	
7.26	17.50a	19.50a	
7.16	17.50a	19.50a	

## CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets  
GROUP B-Acey Wagons to and including 3 Buckets  
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle  
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch  
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under  
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-luxer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle  
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)  
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Minch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Hatches-Grease and Maintenance Truck Servicing Tandem Axle Trucks  
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)  
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenance Trucks servicing Single Axle Trucks  
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders  
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE



## SUPERSEDES DECISION

COUNTY: Statewide \*See below:  
(except Hancock,  
Harrison, Jackson,  
and Pearl River)

DATE: Date of Publication

DECISION NUMBER: MS75-1067  
Supersedes Decision No. AR-4066 dated December 20, 1974 in 39 FR 44167.  
DESCRIPTION OF WORK: Highway, Sower Line and Water Line Construction.

STATE: Mississippi

MS75-1067

	ZONE I		ZONE II		ZONE III		ZONE IV		ZONE V		ZONE VI	
	Basic Hourly Rates		Basic Hourly Rates		Basic Hourly Rates		Basic Hourly Rates		Basic Hourly Rates		Basic Hourly Rates	
Air tool operator	2.50		2.50		3.25		2.75		2.50		3.00	
Asphalt raker	2.50		2.50		3.00		2.50		2.75		3.00	
Bricklayers	4.25		4.00		5.00		5.50		3.00		2.75	
Carpenter	3.50		3.50		3.75		3.75		2.75		3.00	
Carpenter helper	3.00		3.03		3.11		2.84		2.50		2.75	
Cement masons (Finisher)	3.25		3.50		3.50		3.50		2.25		2.30	
Concrete saw operator	3.00		3.00		3.00		3.00		2.75		3.00	
Electricians	5.30		4.50		6.50		6.50		3.50		3.75	
Form setter	2.75		3.25		3.25		2.50		2.25		2.25	
Grado checker	3.25		2.50		2.50		2.50		2.25		2.25	
Ironworker, reinforcing	3.25		3.00		2.50		3.25		2.25		2.25	
Ironworker, structural	3.00		2.75		3.00		3.00		2.25		2.25	
Laborer, unskilled	2.00		2.00		2.00		2.00		2.00		2.00	
Mason tender (Cement mason help- er)	2.50		2.75		2.75		2.50		2.75		2.75	
Painter (Structural steel)	2.75		3.00		3.00		4.00		3.90		3.90	
Pile driver	2.75		2.80		3.00		2.75		3.00		3.00	
Truck driver	2.50		2.25		2.50		2.25		2.25		2.25	
Tugboat operator	3.25		2.75		3.50		3.00		3.00		3.00	
Welder												
POWER EQUIPMENT OPERATORS:												
"A" frame truck (winch)												
Aggregate spreader operator	2.75		3.00		3.00		2.75		2.75		2.75	
Air compressor operator	3.25		2.60		3.00		2.50		2.75		2.75	
Asphalt distributor-spreader operator	3.00		2.75		3.00		2.75		2.75		2.75	
Asphalt plant	2.75		2.75		3.00		2.75		2.75		2.75	
Backho or shovel operator	3.50		2.80		3.50		3.50		3.25		3.25	
Bulldozer operator	3.50		3.25		3.75		3.50		3.25		3.25	
Concrete batch plant operator	3.00		3.00		3.00		3.10		2.75		2.75	
Concrete breaker & hydro-hammer operator	2.25		2.25		2.25							
Concrete finishing machines op.	3.50		2.75		3.10		3.00		3.75		3.50	
Concrete paving machine op.	3.50		3.00		3.00		3.50		3.00		3.00	
Concrete spreader machine op.	2.75		2.50		3.10		3.25		2.80		3.00	
Crane, dragline operator	3.25		3.50		4.00		3.75		4.00		4.00	

## COUNTIES:

\*ZONE I: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette,  
Lee, Lowndes, Marshall, Monroe, Oktobbeha, Pontotoc, Prentiss, Tippah,  
Tishomingo, Union and Webster.

\*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Gretna, Leflore, Montgomery, Panola,  
Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha.

\*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin,  
Sharkey, Simpson, Warren and Yazoo.

\*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton,  
Noxubee, Scott, Smith, and Winston.

\*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson  
Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall,  
Wayne, and Wilkinoon.

\*ZONE VI: George, and Stone.



STATE: Pennsylvania  
 COUNTY: Erie  
 DATE: Date of Publication  
 DECISION NO.: PA-75-3054  
 Supersedeas Decision No. AR-2094, dated December 13, 1974, in 39 FR 43491.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	.30	.30			.04
BOILERMAKERS	.50	.85			.01
BRICKLAYERS	.30				
CARPENTERS	.30	.40			.02
CEMENT MASONS	.30	.25			.015
ELECTRICIANS	3%	3%	1/2 of 1%		
ELEVATOR CONSTRUCTORS	8.82	.26	2%+b+c		.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.26	2%+b+c		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)					
GLAZIERS	8.96	.20			
IRONWORKERS:					
Structural	.78	.69			.13
Ornamental	.78	.69			.13
Reinforcing	.78	.69			.13
LATHERS	.30	.10			.02
LABORERS:					
Building & common, carpenter tend- er, heaters & salamanders, power sweepers, power vacuum sweepers, pumps including 1-1/2", signal man concrete bucket, wrecking & demolition, window washing					
Bricklayer & mason tenders, elec- tric operated conveyor, electric operated hoist, fork lift up to 9 ft., plumber & sewer laborers, scaffold builders, float grinder & sander	.40	.50			.01
Burners, concrete saw operator, hod carriers, mortar mixers, plaster tankers, powered wheel- barrows & buggies	.40	.50			.01
Dual vibrator roller (walk behind type) Berfix cutting tool, blast- ers helpers, drill operator help- er, jackhammer & air tool opera- tors, mechanical tampers & air tampers, vibrator - air or other- wise	.40	.50			.01

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
LABORERS (Cont'd)					
Mixing mortar for more than 3 masons by hand	.40	.50			.01
Blasters, drill operators, gunite nozzle man & machine man	.40	.50			.01
Plaster mixing machine & pump	.40	.50			.01
LINE CONSTRUCTION:					
Linemen, Heavy equipment Operator	.20	1%			3/8 of 1%
Groundman - Truck driver	.20	1%			3/8 of 1%
Groundmen	.20	1%			3/8 of 1%
MARBLE SETTERS	.30	.40			.02
MILWRIGHTS	.30	.30			
PAINTERS:					
Brush	.30	.40			
Structural steel	.30	.40			
Spray	.30	.40			
FILEDRIVERMEN	.30	.30			.02
PLASTERERS	.30	.30			.015
PLUMBERS	.30	.28			.04
ROOFERS:					
Composition	.30	.30			
SHEET METAL WORKERS	.70	.80			.055
SOFT FLOOR LAYERS	.30	.30			.02
SPRINKLER FITTERS	.50	.70			.08
STEAMFITTERS	.30	.28			.04
STONEMASONS	.30	.40			
TERRAZZO WORKERS	10.41	.40			
TILE SETTERS	9.25	.30			
TRUCK DRIVERS:					
Truck drivers	5.45	e	a		
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental	d				



Class 1: Auger (truck or tractor mounted), Austin Western or similar type, Austin Western or similar type up to 25 tons (25 tons or over requires an oiler), Backhoe, Backhoe (under 5/8 yd.), Batch Plant - Automatic, Boom - side, Cableways, Conveyors Belts - up to 4 floors, Conveyor Belts - over 4 units, Crane - Tower (climbing type), Derrick (all types), Derrick - Traveler, Dragline, Drill - Caisson, Electro Hydraulic or similar, Gradall (remote control or otherwise), Helicopter, Helicopter - hoisting operating, Hi-lift (3 yards or over), Hoist - on 50 ft. stack or over, Hoist on slip form job, Hoist - hod (single cage), Hoist - hod (2 cages up to 10 floors), Hop-to or similar type with 360 degree swing, Hop-to or similar type with 360 degree swing under 5/8 yd., Koehring Scooper, Kocal or similar type, Levertman, Mix Mobile or similar type, Micer - concrete paving, Mixer - paving (self-propelled), Multiple Bowl Machines or Multi-engine, Pile Driver - Franki or similar type, Pile Driver (when assistance is required it will be an operating engineer), Placer - belt (concrete), Plant - Central Mix, Quad Nine, Shovels (all types), Shovels under 5/8 yd.) Tractors - boom mounted (all types), Tugboat, Whirlers, Boat - job work (inboard or outboard), Bulldozer, Carrier Ross or similar type, Compactor - (with blade attached), Curb Builder - self-propelled, Drill - Core, Drill - Well and Core (truck mounted), Engineer - maintenance (daily rated) Grader, Grader - Elevating, Greaser - equipment, Hi-lift (less than 3 yards), Hoist 2 drums in one unit, Hop-to or similar type with 180 degree swing, Tractors (all types with hydraulic backhoe attached), Cranes, Tower, Metro Chip Harvester (or similar type), Mixer - paving mixer - mortar - over 10 cu. ft., Plant - crushing and screening, Pumpcrete - mobile or similar type, Road Builder - Automatic, Scoop - self-powered and Tractor drawn (single bowl), Spray Cure Machine (power driven), Spreader, Steam Jenny (or similar type), Syphon (steam or air) Tractors (all types with hydraulic backhoe attached)

Class 1-A: Austin Western or similar type with jib + 25c, Austin Western or similar type 25 tons or over with jib + 25c, Cranes (excluding over head cranes), Crane -placed on building structure, Hoist single cage with Chicago Boom attached + 25c, Engineer - lead, Hoist hod (2 cages over 10 floors), Cranes - 100 feet to 150 feet

Class 1-B: Cranes - 150 feet to 200 feet

Class 1-C: Cranes - 200 feet and over

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocellon	
\$ 9.70	.50	.60		.10
9.97	.50	.60		.10
10.23	.50	.60		.10
10.50	.50	.60		.10
9.25	.50	.60		.10
9.10	.50	.60		.10
3.50	.50	.60		.10
8.00	.50	.60		.10
7.75	.50	.60		.10
8.00	.50	.60		.10
8.40	.50	.60		.10

POWER EQUIPMENT OPERATORS  
(Building Construction)

- Class 1
- Class 1-A
- Class 1-B
- Class 1-C
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 6-A
- Class 6-B



PA75-3054

## POWER EQUIPMENT OPERATORS (Cont'd)

-25-Peo-1-E

Class 2: Backfilling Machine, Boat - material or personnel, Compressor and air pump, Compressor and air tugger, Compressor and gunite machine (combination), Compressors and sandblasting unit (combination), Compressors (two), crane - overhead, Fork lift - elevating - lull or similar type generators - two, Grade - sub, Jumbo - power, Layer - cable, Layer - pipe - no joint, Lift Slab Machine, Locomotive, Machines - other minor, machines - small (two), Mucking Machine, Mobile Tower, Pipe - bending Machine (pipeline only), Pipe - cleaning machine, Pipe - wrapping machine, Plant - asphalt operator, Plant - portable crushing and screening, Plant - refrigeration pump - grout, Spreader-concrete, Asphalt and Stone, Well point systems (Section 1C), Winch Truck (handling steel), Wire wrapping machine - pre-stress, Drill - Davey or similar, Drill - truck mounted and/or core drill for testing, Elevator (new buildings and major remodeling of old), Hoist one drum, Paver - asphalt, Post Driver - guard rail (other than truck mounted), Post Driver - guard rail (truck mounted), Pumpcrete - or similar type (not self-propelled), Tire Repairman, Trencher Machine, Welder, Welding Machines (up to and including 4)

Class 3: Boiler, Breaker - pavement (self-propelled or ridden), Compactor (ridden or self-propelled), Crane - carry, Crusher - stone, Drill - well (horizontal), Drill (self-propelled and self contained), Elevator (alterations of old buildings), Finisher - broom (C.M.I. or similar type), Finishing Machine and Spreader (concrete), Forklifts (ridden or self-propelled), Form Line Machine, Minor equipment (all other), Motorman, Pipe Dream, Roller, Saw - concrete (ridden or self-propelled), Soil Stabilizer, Tractors (when used for snaking and hauling), Truck - winch, Tugger

Class 4: Compressor (single (over 65 cu. ft. regardless of power used, Hoist - monorail (regardless of power used), Pump (over 1½ inch discharge regardless of power used), Oiler - truck crane (50 tons or over and Fireman)

Class 5: Blaster - water, Boring Machine, Broom - power, Compressor - 65 cu. ft. or under (regardless of power used) (2 gun painters), Conveyor - 1 story (regardless of power used), Conveyor (over 1 and up to 3 units regardless of power used), Generator (4 KW or over), Hauck Machine or similar type, Heaters - up to and including four), Jack and Pump - motor hydraulic, Jenny - steam (or similar type), Ladavator, Mixer - concrete (regardless of power used), Mixer - mortar (over 10 cu. ft. regardless of power used), Mobile - track (or similar type), Mulching Machine, Pin Puller, Pulverizer, Pump - 1½ inch discharge or less, Regulator - Ballast, Seeding Machine, Shoulder, Spray Cure Machine, Syphon - (steam or air), Tie Tamper (multiple heads), Tractor - farm (when used for landscaping), Welding machine - single (300 amp. or over), Oiler, Truck Crane.

Class 6: Brake man, Deck hand, Helicopter signalman, Oiler, Mechanic helper

Class 6-A: Oiler, Truck crane

Class 6-B: Oiler, Truck crane (50 tons or over)

PA75-3054

25-PA-1 - J

## PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- One week vacation after 1 year's work; two week's vacation after five years of service.
- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Six paid holidays: A through F.
- Employee agree to contribute \$54.94 per month.
- Employer agree to contribute \$12.00 per week.



## SUPERSEDES DECISION

STATE: Pennsylvania  
 COUNTY: Elk  
 DATE: Date of Publication  
 DECISION NO.: PA75-3058  
 Supersedes Decision No. AQ-2046 dated March 8, 1974, in 39 FR 9338.  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$9.92	.35	.70		.01
9.07	7%	7%		
9.35	.50	.50		
8.26	5%	7%	6%	.40 of 1%
9.35	.50	.50		
9.05	.45	1%+.25		1%
9.08	.70	.81		.04
7.52	.40	.40		1/2%
7.77	.40	.40		1/2%

## BUILDING CONSTRUCTION

## ASBESTOS WORKERS

## BOILERMAKERS

## BRICKLAYERS and Stonemasons

## CARPENTERS

## CEMENT MASONS

## ELECTRICIANS

## IRONWORKERS

## LABORERS:

Common laborer; Carpenter tender; Scaffold builder for masons; Window cleaner; Form stripper and mover; Scaffold and runways; Building materials handlers (load and unloading); Concrete pitman; Puddler; Mason tender; Mechanic tamperers (power); Powered wheelbarrows and buggies and worklift; Sweepers and similar; Mortar mixer; Bell bottom man on furnaces and stacks; Jackhammer man; Concrete buster; Wagon drill helper; Concrete saw operator; Blaster's helper; Drill runner's helper (includes drill mounted truck, track or similar sheeters and shores); Vibrator operators; Power tamper operators; Y-Gun burner-cutting torch; Carryable pumps; Chain saw operator; Pipe layers; All material conveyors and elevator; Signal man; Walk behind fork lift or similar whacker; Sand blaster; Maintenance man; West brick buggies or similar; Scaffold builder for plasterers' regardless of heights; Hod Carrier; Plaster tender; Form cleaning machine operator; Plaster applying and/or pump machine operator paving breaker; Asphalt raker; Lancer; Berfix cutting tool; Gunnite potman; Blacksmith; Tool dresser (cable tools)

## DECISION NO. PA75-2052

## LABORERS: (Cont'd)

Blaster; Wagon drill operator; Drill runner; Gunnite nozzle man; Grout machine operator; Walk behind power; Roller and tamper welder; Driller (cable tools)

## LEAD BURNERS

## LINE CONSTRUCTION:

## Linemen

## Groundmen, Truck Driver

## Groundmen

## MARBLE SETTERS

## MILLWRIGHTS

## PAINTERS:

## Industrial and Commercial:

## Brush

## Spray

## PILEDRIVMEN

## PLASTERERS

## PLUMBERS

## ROOFERS

## SHEET METAL WORKERS

## SOFT FLOOR LAYERS

## SPRINKLER FITTERS

## STEAMFITTERS

## TERRAZZO WORKERS and Tile Setters

## WELDERS - receive rate prescribed for craft performing operating to which welding is incidental.

## FOOTNOTES:

a. Eight (8) paid holidays: A through F; and Washington Birthday and Good Friday providing the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.  
 b. Holiday D, provided the employee has worked six calendar months and appear on the payroll during the pay period in which the holiday occur.

## PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.



BUILDING CONSTRUCTION  
POWER EQUIPMENT OPERATORS

PA-112-PEO-1-I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	\$10.625	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.125	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.625	.50	.60		.09
CLASS 3	9.35	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.20	.50	.60		.09

CLASS 1: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes, hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist (slipform jobs), hop-to or similar tached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, koeal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), post mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley

CLASS 1A: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure

CLASS 1B: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engine-lead

CLASS 1C: Cranes (boom or mast over 200 ft.)

CLASS 2: Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back-filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete belt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted) drill-Davy or similar type, drill-well & core (truck mounted), elevator euclid loader, excavating equipment (all other), grader, grader-elevating, greaser-equipment (hoist), hi-liftless than 4 yds., hoist-hod (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpcrete machine op., (stationary), tire repairman, welder (repairman)

CLASS 3: Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, vary, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained. elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete. soil stabilizer (pump type), stone crusher, stone spreader self-propelled tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment



PA75-3058

CLASS 1: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5kw) hoists (regardless of power used), hoist roof (regardless of power used), mixer truck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 e.f. (regardless of power used) pump (over 1-1/2" discharge, regardless of power used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) plant, private or industrial air or steam valve

CLASS 5: Compressor - 65 e.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 e.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1/2" discharge or less, seeding machine, sprayer side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over

CLASS 6: Brake man, deck hand, helicopter, signalman, oiler, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over

PA-42-2d-1-F

PA75-3058

## BUILDING CONSTRUCTION

## Trucks Drivers:

Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen

Trucks over 30,000 lbs. (includes fuel and water trucks)

Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks)

Low Boy

Concrete Mixer Trucks

Concrete Mixer Trucks (Tri-Axle)

Semi-Trailer

Earth Moving Equipment up to 35 Ton

(Belly Dump, Side Dump, End Dump, etc.)

Earth Moving Equipment over 35 Ton

(Belly Dump, Side Dump, End Dump, etc.)

A-Frame and Winch Trucks (when used for hauling material on bed of truck)

Distributor Truck (Oil, Tar, Asphalt, etc.)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$7.20	.20	.20		
7.30	.20	.20		
7.40	.20	.20		
7.50	.20	.20		
7.35	.20	.20		
7.45	.20	.20		
7.40	.20	.20		
7.70	.20	.20		
7.80	.20	.20		
7.45	.20	.20		
7.70	.20	.20		



STATE: Pennsylvania  
DECISION NO. PA75-5059  
COUNTY: Cambria  
DATE: Date of Publication  
Supersedes Decision No. AQ-2081 dated March 29, 1974, in 39 FR 11805.  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$9.92	.35	.70		.01	
BOILERMAKERS	9.07	7%	7%		.01	
BRICKLAYERS and Stonemasons	8.88	.45	.60		.4 of 1%	
CARPENTERS	8.26	5%	7%	6%		
CEMENT MASONS	8.15	1.00				
ELECTRICIANS	10.10	.35	1%+.20	.60	.05	
IRONWORKERS; Structural, Ornamental and Reinforcing	9.225	.785	.775		.03	
LABORERS:						
Laborers	6.38	.40	.40			
Plasterers tenders	6.43	.40	.40			
Blasters	6.98	.40	.40			
LATHERS	7.72				.01	
LEADBURNERS	9.25	.35	a		.01	
LINE CONSTRUCTION:						
Linemen	10.82	.30	1%		3/8%	
Winch Truck Operator	7.57	.30	1%		3/8%	
Groundman	6.49	.30	1%		3/8%	
MILLWRIGHTS	7.995	5%	28%	26%	1/2%	
PAINTERS:						
Commercial	7.59	.60	.40		.12	
Industrial	8.44	.60	.40		.12	
PILEDRIEVERS	9.58	5%	8%		.50 of 1%	
PLASTERERS	8.50				.01	
PLUMBERS	9.32	.65	.65		.06	
ROOFERS	9.76	.62	1.50		.03	
SHEET METAL WORKERS	9.18	.70	.90		.4 of 1%	
SOFT FLOOR LAYERS	8.26	5%	7%	6%	.08	
SPRINKLER FITTERS	9.60	.50	.70			
STEAMFITTERS	9.32	.65	.65			
TERRAZZO WORKERS, MARBLE SETTERS and TILE SETTERS	8.88	.45	.60		.01	
TRUCK DRIVERS:						
Service, dump, flat top, jeep, fuel and water	5.46	b	c			
Transit mix, dump trailer, winch truck	5.54	b	c			
Euclids and tractor trailer	5.61	b	c			
Helper	5.36	b	c			

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

a-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. \$37.61 per mon'h.

c. \$8.00 per week.



PA75-5059

PA75-5059

**CLASS 1:** Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance truck or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpcrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley

**CLASS 1A:** Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure

**CLASS 1B:** Cranes (boom or mast over 150 ft. up to & including 200 ft.) engine-lead

**CLASS 1C:** Cranes (boom or mast over 200 ft.)

**CLASS 2:** Asphalt plant op., atho loader, auger-truck, truck or tractor mounted, back-filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunitite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted) drill-Davey or similar type, drill-well & core (truck mounted), elevator euclid loader, excavating equipment (all other), grader, grader-elevating, greaser-equipment (head), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpcrete machine op., (stationary), tire repairman, welder (repairman)

**CLASS 3:** Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained. elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe drem, roller saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment

PA-42-PEO-1-1

# BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$10.625	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.125	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.475	.50	.60		.09
CLASS 3	9.35	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.20	.50	.60		.09



PA75-5059

CLASS 4: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5Kw) hoists monorail (regardless of power used), hoist roof (regardless of power used) hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1- $\frac{1}{2}$ " discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1 $\frac{1}{2}$ " discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over

CLASS 6: Drake man, deck hand, helicopter, signalman, oiler, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over



STATE: Rhode Island  
 COUNTY: Newport  
 DECISION NUMBER: RI75-2090  
 DATE: Date of Publication  
 Supersedes Decision No. RI75-2032, dated February 2, 1975 in 40 FR 6132  
 DESCRIPTION OF WORK: Building (including residential), Heavy, Highway and Marine Construction.

3-RI-1-N 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	\$ 9.32	.71	.83		.01
Boilermakers	10.00	.60	10%		.01
Bricklayers, stonemasons	9.15	.65	.55		
Carpenters:					
Little Compton, Tiverton:	8.95	.50	.65		.02
Carpenters & soft floor layers	8.75	.60	.50		.07
Millwrights					
Remainder of County:					
Carpenters and soft floor layers	8.23	.60	.40		.02
Millwrights and piledrivermen	8.83	.60	.40		.02
Cement masons	8.85	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	1%	1%+.25	1%	3%
Remainder of County (over 3 stories)	8.80	.38	1%+.90		.02
Remainder of County (up to and including 3 stories)					
Elevator constructors	5.75	.38	1%		.02
Elevator constructors' helpers	9.39	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	70%JR	.445	.29	3%+a+b	.02
Glaziers	50%JR	.445	.29	3%+a+b	.02
Ironworkers:	8.68	.47	.40+.25		.01
Str., Orn., & reinforcing	8.73	.55	.90+.50		.05
Laborers:					
Laborers, Building:					
Laborers, Carpenters tender, cement finisher tender, mason tender	7.00	.50	.45		.10
Jackhammers, paving breaker, chain saw Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers					
Plasterers tenders	7.25	.50	.45		.10
Powderman blasters	7.25	.50	.45		.10
Laborers, wrecking:	7.75	.50	.45		.10
Laborers, signalmen	7.00	.50	.45		.10
Adzwar, burner, jackhammer	7.25	.50	.45		.10
Lathers	9.25	.45	.55		
Line Construction:					
Linemen	9.36	.30	1%	d	.10
Groundman	6.39	.30	1%	d	.10
Equipment Operator	8.34	.30	1%	d	
Driver groundman	7.77	.30	1%	d	

3-RI-1-N 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vocation	
Marble setters, terrazzo worker and tile setters	\$ 9.35	.65	.55		
Marble, tile and terrazzo helpers	7.23		.50		
Lead burners	9.25	.35			.01
Painters:					
Little Compton & Tiverson Twps.: Brush	7.78	.62	.45		.04
Structural steel & str. steel spray (other than steel)	10.88	.62	.85		.04
Remainder of County: Brush and roller	8.78	.62	.45		.04
Structural steel & steam cleaning	8.15	.50	.50		
Spray & sand or water blasting and Pot man	8.40	.50	.50		
Air power bursh	9.15	.50	.50		
Plasterers	8.65	.50	.35		
Plumbers	8.55	.50	.60		.07
Roofers:	9.64	.75			
Composition, waterproofers	8.90	.45	.25		
Slate, tile, precast concrete	9.10	.45	.25		
Helpers, Class "A"	8.05	.45	.25		.04
Helpers, Class "A"	7.50	.45	.25		.01
Sheet metal workers	9.53	.66	.75		.07
Sprinkler fitters	9.64	.50	.70		
Steamfitters	9.70	.45	.91		
Truck Drivers, Building:					
Dumps & 2-axle equipment	7.05	.48	.525		
Trailers & 3-axle equipment	7.13	.48	.525		
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type) Euclid type equipment over 35 ton capacity	7.38	.48	.525		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.	7.63	.48	.525		



PAID HOLIDAYS:

3-RI-1-N

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanks-giving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 1 1/2% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Holidays: A through F.
- Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

3-RI-2-3-4-Z 1 of 2

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Bricklayers, stone masons, catch basin, manhole builders	\$ 8.67	.55	.40		.01
Carpenters, dock builders, pile-drivers:	8.85	.30	.30		.01
Little Compton, Tiverton	8.75	.25	.25		
Remainder of County	7.25	.50	.35		
Cement masons					
Electricians:	9.00	1 1/2%	1 1/4+.25	1 1/4%	3%
Little Compton, Tiverton	8.80	.38	1 1/4+.50		.02
Remainder of County	8.73	.55	.90+.50		.03
Ironworkers: Str, Orna. & Reinf.					
Laborers:					
Laborsers, carpenter & cement finishers tenders & wrecking laborers	7.00	.50	.45		.10
Adzemen, asphalt rakers, barcotype-jumping tampers, chain saw operators concrete and power buggy operators, concrete saw operators demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipe-layers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill ops., wood chipper operators	7.25	.50	.45		.10
Air track drill op.	7.50	.50	.45		.10
Blasters & powdermen	7.75	.50	.45		.10
Pavers, rammers, curb setters	7.50	.50	.45		.10
Line Construction:					
Linemens	9.36	.30	1%	a	
Groundman	6.39	.30	1%	a	
Equipment operator	8.34	.30	1%	a	
Driver groundman	7.77	.30	1%	a	
Painters:					
Little Compton & Tiverton Twps:					
Brush	7.78	.62	.4		.04
Structural Steel	10.88	.62	.85		.04
Spray (other than steel)	8.78	.62	.45		.04
Remainder of County:					
Brush & Roller	8.15	.50	.50		
Spray & Pot man	9.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		



R175-2090

R175-2090

HEAVY, HIGHWAY & MARINE  
CONSTRUCTION

Plumbers

Welders - receive rate prescribed  
for craft performing operation to  
which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays A through F, Columbus  
Day provided the employee has  
been employed 5 working days  
prior to the holiday and pro-  
vided the employee works the  
scheduled work days immediately  
preceding and following the  
holiday.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 9.64	.75	.60			.07

R175-2090

HEAVY & HIGHWAY CONSTRUCTION  
TRUCK DRIVERS

Class I  
Class II  
Class III  
Class IV  
Class V  
Class VI  
Class VII

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.68	.45	.50	a+b	
6.83	.45	.50	a+b	
6.88	.45	.50	a+b	
6.98	.45	.50	a+b	
7.08	.45	.50	a+b	
7.33	.45	.50	a+b	
7.58	.45	.50	a+b	

Class I  
Pick-up trucks, Station Wagons and Panel Trucks  
Class II  
Two Axle, Helpers on Low Beds  
Class III  
Three Axle Equipment and ready mix equipment  
Class IV  
Four & Five Axle Equipment  
Class V  
Low bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving  
Restoration Vehicle & Vac Haul  
Class VI  
Special Earth Moving Equipment over 35 tons  
Class VII  
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;  
F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day  
providing employee has worked at least one day in the calendar week in which the  
holiday falls.  
b. Employee who has been on payroll for 1 year or more but less than 5 years and has  
worked 150 days during the last year of employment shall receive: 1 week's vaca-  
tion; 5 years or more - 2 weeks vacation.



RI75-2090

RI-1-PEO-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over  
Economobile type equipment  
Fork lift  
Firemen and Oilers  
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.  
Pippin type backhoes  
Maintenance Engineers  
Well-point Installation  
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Oth
	H & W	Pensions	Vacation		
\$9.60	.50	.85		.075	
9.375	.50	.85		.075	
9.175	.50	.85		.075	
7.625	.50	.85		.075	
8.175	.50	.85		.075	
8.525	.50	.85		.075	
8.125	.50	.85		.075	
8.25	.50	.85		.075	
8.175	.50	.85		.075	

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers and front end loaders, 3 yds, and over  
Firemen and Oilers  
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds  
Maintenance Engineers  
Well-point Installation Crews  
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants  
Boat and Tug Operators  
Apprentices (Deckhands)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Oth
	H & W	Pensions	Vacation		
10.325	.50	.85		.075	
8.20	.50	.85		.075	
8.875	.50	.85		.075	
9.025	.50	.85		.075	
9.05	.50	.85		.075	
8.625	.50	.85		.075	
9.95	.50	.85		.075	
8.35	.50	.85		.075	

RI75-2090

RI-1-PEO-1-P

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$9.42	.50	.85		.075
8.57	.50	.85		.075
7.95	.50	.85		.075
6.95	.50	.85		.075
7.90	.50	.85		.075
8.02	.50	.85		.075
8.00	.50	.85		.075
7.65	.50	.85		.075
7.77	.50	.85		.075
6.80	.50	.85		.075
6.25	.50	.85		.075
7.85	.50	.85		.075
9.92	.50	.85		.075
10.17	.50	.85		.075

CLASSIFICATIONS

Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 yds., econmobile, ross carriers  
Class II Fork lifts  
Class III Firemen  
Class IV Oilers  
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors  
Class VI Scrapers, graders, dozer pusher operator  
Class VII Pippin type backhoe operator  
Class VIII Maintenance engineer  
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps  
Class X Test boring machine operator  
Class XI Test boring machine assistant  
Class XII Well point installation crews  
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet  
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet



# INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JUNE 6, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination de-

cisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

## ABBREVIATIONS

(B)—Building Construction.  
(D)—Dredging.  
(F)—Flood Control Construction.  
(H)—Heavy Construction.  
(Hw)—Highway Construction.  
(R)—Residential Construction.  
Mod.—Modification.  
(HE)—Heavy Engineering.

(LE)—Light Engineering.  
(U)—Utility.  
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 26th day of June 1975.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.

## ALABAMA

STATEWIDE  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
Decision #AQ-4088 (Hw) (Excluding  
Airport Construction)  
39 FR 10085 - 3/15/74  
Mod. #1 - 40 FR 2373 - 1/10/75

AUTAUGA COUNTY

(O, Hw) - See Statewide

BALDWIN COUNTY

Decision #AL75-1043 (R)

40 FR 15286 - 4/4/75

(Hw) - See Statewide

BARBOUR COUNTY

(O, Hw) - See Statewide

BIBB COUNTY

(D, Hw) - See Statewide

BLOUNT COUNTY

Decision #AL75-1047 (R)

40 FR 17474 - 4/18/75

(O, Hw) - See Statewide

BULLOCK COUNTY

(O, Hw) - See Statewide

BUTLER COUNTY

(O, Hw) - See Statewide

CALHOUN COUNTY

(O, Hw) - See Statewide

CHAMBERS COUNTY

(O, Hw) - See Statewide

CHESTER COUNTY

(O, Hw) - See Statewide

CHILTON COUNTY

(D, Hw) - See Statewide

CHOCTAW COUNTY

(D, Hw) - See Statewide

CLARKE COUNTY

(D, Hw) - See Statewide

## ALABAMA (Cont'd.)

CLAY COUNTY

(D, Hw) - See Statewide

CLEBURNE COUNTY

(D, Hw) - See Statewide

COFFEE COUNTY

(D, Hw) - See Statewide

COLBERT COUNTY

Decision #AL75-1046 (R)

40 FR 17451 - 4/18/75

Decision #AL75-1061 (D)

40 FR 24462 - 6/6/75

(O, Hw) - See Statewide

(Hw) - See Statewide

CONECUH COUNTY

(D, Hw) - See Statewide

(R) - See Baldwin County

COOSA COUNTY

(D, Hw) - See Statewide

COVINGTON COUNTY

(D, Hw) - See Statewide

CRENSHAW COUNTY

(D, Hw) - See Statewide

CULLMAN COUNTY

(D, Hw) - See Statewide

DALE COUNTY

(O, Hw) - See Statewide

DALLAS COUNTY

(D, Hw) - See Statewide

DE KALB COUNTY

(D, Hw) - See Statewide

ELMORE COUNTY

(D, Hw) - See Statewide

ESCAMBIA COUNTY

(D, Hw) - See Statewide

(R) - See Baldwin County

ETOWAH COUNTY

(D, Hw) - See Statewide

## ALABAMA (Cont'd.)

FAYETTE COUNTY

(D, Hw) - See Statewide

FRANKLIN COUNTY

(D, Hw) - See Statewide

(R) - See Colbert County

GENEVA COUNTY

(O, Hw) - See Statewide

GREENE COUNTY

(O, Hw) - See Statewide

HALE COUNTY

(D, Hw) - See Statewide

HENRY COUNTY

(D, Hw) - See Statewide

HOUSTON COUNTY

(D, Hw) - See Statewide

JACKSON COUNTY

(D, Hw) - See Statewide

JEFFERSON COUNTY

Decision #AL75-1056 (B)

40 FR 23632 - 5/30/75

(O) - See Statewide

(R) - See Blount County

(Hw) - See Statewide

LAMAR COUNTY

(O, Hw) - See Statewide

LAUDERDALE COUNTY

(B, R) - See Colbert County

(D, Hw) - See Statewide

LAWRENCE COUNTY

Decision #AL75-1027 (B)

40 FR 8701 - 2/28/75

(O, Hw) - See Statewide

(R) - See Colbert County

LEE COUNTY

(O, Hw) - See Statewide

LIMESTONE COUNTY

(B) - See Lawrence County

(O, Hw) - See Statewide

## ALABAMA (cont'd)

LOWMOES COUNTY

(O, Hw) - See Statewide

MACON COUNTY

(O, Hw) - See Statewide

MAISON COUNTY

Decision #AL75-1032 (B)

40 FR 12959 - 3/21/75

Mod. #1 - 40 FR 19323 - 5/2/75

(O, Hw) - See Statewide

MARENGO COUNTY

(O, Hw) - See Statewide

MARION COUNTY

(R) - See Colbert County

(O, Hw) - See Statewide

MARSHALL COUNTY

(O, Hw) - See Statewide

MOBILE COUNTY

Decision #AL75-1060 (B)

40 FR 23634 - 5/30/75

(D, Hw) - See Statewide

(R) - See Baldwin County

MONROE COUNTY

(O, Hw) - See Statewide

MONTGOMERY COUNTY

Decision #AP-184 (B)

38 FR 11244 - 5/4/73

Mod. #1 - 38 FR 13103 - 5/18/73

Mod. #2 - 39 FR 24781 - 7/5/74

Mod. #3 - 39 FR 36709 - 10/11/74

Decision #AQ-4082 (R)

39 FR 8100 - 3/1/74

Mod. #1 - 40 FR 7773 - 2/21/75

(D, Hw) - See Statewide

MORGAN COUNTY

(B) - See Lawrence County

(D, Hw) - See Statewide

PERRY COUNTY

(D, Hw) - See Statewide

PICKENS COUNTY

(D, Hw) - See Statewide



PIKE COUNTY  
(D,Hw) - See Statewide

RANDOLPH COUNTY  
(D,Hw) - See Statewide

RUSSELL COUNTY  
(D,Hw) - See Statewide

SAINT CLAIR COUNTY  
(D,Hw) - See Statewide  
(R) - See Blount County

SHELBY COUNTY  
(D,Hw) - See Statewide  
(R) - See Blount County

SUMTER COUNTY  
(D,Hw) - See Statewide  
(R) - See Blount County

TALLADEGA COUNTY  
(D,Hw) - See Statewide  
(R) - See Blount County

TALLAPOOSA COUNTY  
(D,Hw) - See Statewide

TUSCALOOSA COUNTY  
Decision #AL75-1043 (B)  
40 FR 17475 - 4/18/75  
(D,Hw) - See Statewide

WALKER COUNTY  
(R) - See Blount County

WASHINGTON COUNTY  
(D,Hw) - See Statewide  
(R) - See Baldwin County

WILCOX COUNTY  
(D,Hw) - See Statewide

WINSTON COUNTY  
(D,Hw) - See Statewide  
(R) - See Colbert County

## ALASKA

STATEWIDE  
Decision #AK75-5033 (8,H,Hw,R)  
40 FR 10885 - 3/7/75  
Mod. #1 - 40 FR 12951 - 3/21/75  
Mod. #2 - 40 FR 15268 - 4/4/75  
Mod. #3 - 40 FR 19323 - 5/2/75

## ARIZONA

STATEWIDE  
Decision #AZ75-5034 (B,H,Hw)  
40 FR 12020 - 3/14/75  
Mod. #1 - 40 FR 14195 - 3/28/75  
Mod. #2 - 40 FR 18274 - 4/25/75

APACHE COUNTY  
Decision #AZ75-5003 (R)  
(Navajo and Hopi Indian  
Reservations In Apache,  
Coconino, Navajo Cos.)  
40 FR 3868 - 1/24/75  
(B,H,Hw) - See Statewide

COCHISE COUNTY  
(B,H,Hw) - See Statewide

COCONINO COUNTY  
(8,H,Hw) - See Statewide  
(R) - See Apache County

GILA COUNTY  
(8,H,Hw) - See Statewide

GRAHAM COUNTY  
(B,H,Hw) - See Statewide

GREENLEE COUNTY  
(B,H,Hw) - See Statewide

MARICOPA COUNTY  
(B,H,Hw) - See Statewide  
Decision #AZ75-5035 (R)  
40 FR 12960 - 3/21/75  
Mod. #1 - 40 FR 18274 - 4/25/75

MOHAVE COUNTY  
(B,H,Hw) - See Statewide

NAVAJO COUNTY  
(B,H,Hw) - See Statewide  
(R) - See Apache County

PIMA COUNTY  
Decision #AZ75-5036 (R)  
40 FR 12966 - 3/21/75  
Mod. #1 - 40 FR 18274 - 4/25/75  
(B,H,Hw) - See Statewide

PINAL COUNTY  
(B,H,Hw) - See Statewide

SANTA CRUZ COUNTY  
(B,H,Hw) - See Statewide

YAVAPAI COUNTY  
(B,H,Hw) - See Statewide

YUMA COUNTY  
(B,H,Hw) - See Statewide

## ARKANSAS

STATEWIDE  
Decision #AR-71 (Construction,  
Alteration, and/or repair of  
streets, highways, runways,  
and Water & Sewer Utilities)  
39 FR 40409 - 11/15/74  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74

ARKANSAS COUNTY  
(D,H,Hw) - See Statewide  
Decision #AR75-5032 (F)  
40 FR 8706 - 2/28/75

ASHLEY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

BAXTER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

BENTON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

BOONE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

BRADLEY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CALHOUN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CARROLL COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CHICOT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (Cont'd.)

CLARK COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CLAY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CLEBURNE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CLEVELAND COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

COLUMBIA COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CONWAY COUNTY  
Decision #AR75-4084 (B)  
40 FR 19321 - 5/2/75  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CRAIGHEAD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CRAWFORD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CRITTENDEN COUNTY  
40 FR 17452 - 4/18/75  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

CROSS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

DALLAS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

DESHA COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County



## ARKANSAS (CONT'D)

POPE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

PRAIRIE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

PULASKI COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

Decision #AR75-4058 (B)  
40 FR 8704 - 2/28/75  
Mod. #1 - 40 FR 12001 - 3/14/75  
Mod. #2 - 40 FR 15268 - 4/4/75  
Mod. #3 - 40 FR 18274 - 4/25/75  
Mod. #4 - 40 FR 19323 - 5/2/75  
Decision #AR75-4068 (R)  
40 FR 14218 - 3/28/75

RANDOLPH COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

ST. FRANCIS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

SALINE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

SCOTT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

SEARCY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

SEBASTIAN COUNTY  
(F) - See Arkansas County  
(D,H,Hw) - See Statewide  
(R) - See Crawford County

SEVIER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

SHARP COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (Cont'd)

MILLER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

MISSISSIPPI COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

MONROE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

MONTGOMERY COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

NEVADA COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

NEWTON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

OUACHITA COUNTY  
(B) - See Union County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

PERRY COUNTY  
(B) - See Conway County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

PHILLIPS COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

PIKE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

POINSETT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

POLK COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (Cont'd.)

JACKSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

JEFFERSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

JOHNSON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LAFAYETTE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LAWRENCE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LEE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LINCOLN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LITTLE RIVER COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LOGAN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

LOHOKO COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

MADISON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

MARION COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (Cont'd)

DREW COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

FAULKNER COUNTY  
(B) - See Conway County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

FRANKLIN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

FULTON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

GARLAND COUNTY  
Decision #AR75-4083 (B)  
40 FR 18271 - 4/25/75  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

GRANT COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

GREENE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

HEMPSTEAD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

HOT SPRING COUNTY  
(B) - See Garland County  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

HOWARD COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

INDEPENDENCE COUNTY  
(H,Hw) (D) - See Statewide  
(F) - See Arkansas County

IZARD COUNTY  
(H,Hw) (D) - See Statewide  
(F) - See Arkansas County



# ARKANSAS (CONT'D)

STONE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
UNION COUNTY  
Decision #AR75-4073 (B)  
40 FR 15287 - 4/4/75  
Mod. #1 - 40 FR 19323 - 5/2/75  
(F) - See Arkansas County  
(D,H,Hw) - See Statewide  
VAN BUREN COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WASHINGTON COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WHITE COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
WOODRUFF COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County  
YELL COUNTY  
(D,H,Hw) - See Statewide  
(F) - See Arkansas County

# CALIFORNIA

ALAMEDA COUNTY  
Decision #CA75-5052 (B,H,Hw,D)  
40 FR 17476 - 4/18/75  
Mod. #1 - 40 FR 20556 - 5/9/75  
Mod. #2 - 40 FR 22724 - 5/23/75  
Decision #CA75-5053 (R)  
40 FR 17494 - 4/18/75  
Mod. #1 - 40 FR 20556 - 5/9/75  
Mod. #2 - 40 FR 22724 - 5/23/75  
ALPINE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
AMADOR COUNTY  
(B,D,H,Hw,R) - See Alameda County  
BUTTE COUNTY  
(B,H,Hw,D) - See Alameda County  
CALAVERAS COUNTY  
(B,H,Hw,D,R) - See Alameda County  
COLUSA COUNTY  
(B,H,Hw,D) - See Alameda County  
CONTRA COSTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
DELNORTE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
ELDORADO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
FRESNO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
GLENN COUNTY  
(B,H,Hw,D) - See Alameda County  
HUMBOLDT COUNTY  
(B,D,H,Hw,R) - See Alameda County  
IMPERIAL COUNTY  
Decision #CA75-5022 (B,D,H,Hw)  
40 FR 8707 - 2/28/75  
Mod. #1 - 40 FR 15269 - 4/4/75  
Mod. #2 - 40 FR 19324 - 5/2/75  
Decision #CA75-5023 (R)  
40 FR 8717 - 2/28/75  
Mod. #1 - 40 FR 15270 - 4/4/75  
Mod. #2 - 40 FR 19324 - 5/2/75  
INYO COUNTY  
(B,H,Hw,D) - See Imperial County  
KERN COUNTY  
(B,D,H,Hw,R) - See Imperial County

# CALIFORNIA (Cont'd)

KING COUNTY  
(B,H,Hw,D) - See Alameda County  
LAKE COUNTY  
(B,H,Hw,D) - See Alameda County  
LASSEN COUNTY  
(B,H,Hw,D) - See Alameda County  
LOS ANGELES COUNTY  
(B,D,H,Hw,R) - See Imperial County  
MAJERA COUNTY  
(B,H,Hw,D) - See Alameda County  
MARIN COUNTY  
(B,H,Hw,D,R) - See Alameda County  
MARIPOSA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MENDOCINO COUNTY  
(B,H,Hw,D) - See Alameda County  
MERCED COUNTY  
(B,D,H,Hw,R) - See Alameda County  
MODOC COUNTY  
(B,H,Hw,D) - See Alameda County  
MONO COUNTY  
(B,H,Hw,D) - See Imperial County  
MONTEREY COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NAPA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
NEVADA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
ORANGE COUNTY  
(B,D,H,Hw,R) - See Imperial County  
PLACER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
PLUMAS COUNTY  
(B,H,Hw,D) - See Imperial County  
RIVERSIDE COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SACRAMENTO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN BENITO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SAN BERNARDINO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN DIEGO COUNTY  
Decision #CA75-5020 (B,H,Hw,D)  
40 FR 6916 - 2/14/75  
Mod. #1 - 40 FR 10871 - 3/7/75  
Mod. #2 - 40 FR 15269 - 4/4/75

# CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)  
Decision #CA75-5021 (R)  
40 FR 6922 - 2/14/75  
Mod. #1 - 40 FR 10871 - 3/7/75  
Mod. #2 - 40 FR 15269 - 4/4/75  
SAN FRANCISCO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN JOAQUIN COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SAN LUIS OBISPO COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SAN MATEO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
SANTA BARBARA COUNTY  
(B,D,H,Hw,R) - See Imperial County  
SANTA CLARA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SANTA CRUZ COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SHASTA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SIERRA COUNTY  
(B,H,Hw,D) - See Alameda County  
SISKIYOU COUNTY  
(B,H,Hw,D) - See Alameda County  
SOLANO COUNTY  
(B,D,H,Hw,R) - See Alameda County  
SONOMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
STANISLAUS COUNTY  
(B,H,Hw,D) - See Alameda County  
SUTTER COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TEHAMA COUNTY  
(B,D,H,Hw,R) - See Alameda County  
TRINITY COUNTY  
(B,H,Hw,D) - See Alameda County  
TULARE COUNTY  
(B,H,Hw,D) - See Alameda County  
TUOLUMNE COUNTY  
(B,D,H,Hw,R) - See Alameda County  
VENTURA COUNTY  
(B,D,H,Hw,R) - See Imperial County



COLORADO (cont'd)

CLEAR CREEK  
(B,H) - See Adams County  
(Hw) - See Statewide  
CONESOS COUNTY  
(Hw) - See Statewide  
COSTILLA COUNTY  
(Hw) - See Statewide  
CROWLEY COUNTY  
(Hw) - See Statewide  
CUSTER COUNTY  
(Hw) - See Statewide  
DELTA COUNTY  
Decision #C075-5D47 (B,H)  
40 FR 16504 - 4/11/75  
(Hw) - See Statewide  
DENVER COUNTY  
(Hw) - See Statewide  
(B,H,R) - See Adams County  
DOLORES COUNTY  
(Hw) - See Statewide  
DOUGLAS COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County  
EAGLE COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
ELBERT COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County  
EL PASO COUNTY  
Decision #C075-5D49 (B,H)  
40 FR 16518 - 4/11/75  
(Hw) - See Statewide  
FREMONT COUNTY  
(Hw) - See Statewide  
GARFIELD COUNTY  
(B,H) - See Delta County  
(Hw) - See Statewide  
GILPIN COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
GRAND COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
GUNNISON COUNTY  
(B,H) - See Delta County  
(Hw) - See Statewide  
HINDSDALE COUNTY  
(Hw) - See Statewide  
HUERFANO COUNTY  
(Hw) - See Statewide  
JACKSON COUNTY  
(Hw) - See Statewide

CALIFORNIA (Cont'd)

YOLO COUNTY  
(B,H,Hw,D,R) - See Alameda County  
YUBA COUNTY  
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE  
Decision #C075-5050 (Hw)  
40 FR 16524 - 4/11/75  
ADAMS COUNTY  
Decision #C075-5048 (B,H)  
40 FR 16510 - 4/11/75  
(Hw) - See Statewide  
Decision #C075-5061 (R)  
40 FR 22744 - 5/23/75  
(Hw) - See Statewide  
ALAMOSA COUNTY  
(Hw) - See Statewide  
ARAPAHOE COUNTY  
(Hw) - See Statewide  
(B,H,R) - See Adams County  
ARCHULETA COUNTY  
(Hw) - See Statewide  
BACA COUNTY  
(Hw) - See Statewide  
BENT COUNTY  
(Hw) - See Statewide  
BOULDER COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County  
CHAFFEE COUNTY  
(Hw) - See Statewide  
CHEYENNE COUNTY  
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY  
(Hw) - See Statewide  
(B,H,R) - See Adams County  
KIOWA COUNTY  
(Hw) - See Statewide  
KIT CARSON COUNTY  
(Hw) - See Statewide  
LAKE COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
LA PLATA COUNTY  
(Hw) - See Statewide  
LARIMER COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
LAS ANIMAS COUNTY  
Decision #C075-5046 (B,H)  
40 FR 16498 - 4/11/75  
(Hw) - See Statewide  
LINCOLN COUNTY  
(Hw) - See Statewide  
LOGAN COUNTY  
(Hw) - See Statewide  
MESA COUNTY  
(B,H) - See Delta County  
(Hw) - See Statewide  
MINERAL COUNTY  
(Hw) - See Statewide  
MOFFAT COUNTY  
(Hw) - See Statewide  
MONTEZUMA COUNTY  
(Hw) - See Statewide  
MONTROSE COUNTY  
(B,H) - See Delta County  
(Hw) - See Statewide  
MORGAN COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
OTERO COUNTY  
(B,H) - See Las Animas County  
(Hw) - See Statewide  
OURAY COUNTY  
(Hw) - See Statewide  
PARK COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
PHILLIPS COUNTY  
(Hw) - See Statewide  
PITKIN COUNTY  
(B,H) - See Delta County  
(Hw) - See Statewide  
PROMERS COUNTY  
(Hw) - See Statewide  
PUEBLO COUNTY  
(Hw) - See Statewide  
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY  
(Hw) - See Statewide  
RIO GRANDE COUNTY  
(Hw) - See Statewide  
ROUTT COUNTY  
(Hw) - See Statewide  
SAGUACHE COUNTY  
(Hw) - See Statewide  
SAN JUAN COUNTY  
(Hw) - See Statewide  
SAN MIGUEL COUNTY  
(Hw) - See Statewide  
SEDGWICK COUNTY  
(Hw) - See Statewide  
SUMMIT COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
TELLER COUNTY  
(Hw) - See Statewide  
WASHINGTON COUNTY  
(Hw) - See Statewide  
WELD COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide  
YUMA COUNTY  
(Hw) - See Statewide



CONNECTICUT

FAIRFIELD COUNTY  
 Decision #CT75-2065 (B,H,Hw,R)  
 40 FR 18288 - 4/25/75  
 Mod. #1 - 40 FR 22725 - 5/23/75  
 Decision #CT75-5045 (O)  
 40 FR 15294 - 4/4/75  
 HARTFORD COUNTY  
 Decision #CT75-2066 (B,H,Hw)  
 40 FR 18296 - 4/25/75  
 Mod. #1 - 40 FR 22727 - 5/23/75  
 Decision #CT75-2067 (R)  
 40 FR 18304 - 4/25/75  
 (D) - See Fairfield County  
 LITCHFIELD COUNTY  
 (B,H,Hw,R) - See Fairfield County  
 MIDDLESEX COUNTY  
 (B,H,Hw) - See Hartford County  
 (O) - See Fairfield County  
 NEW HAVEN COUNTY  
 (B,H,Hw) - See Hartford County  
 (O) - See Fairfield County  
 NEW LONDON COUNTY  
 (B,H,Hw,D,R) - See Fairfield County  
 TOLLAND COUNTY  
 (B,H,Hw) - See Hartford County  
 WINDHAM COUNTY  
 (B,H,Hw,O,R) - See Fairfield County

DELAWARE

STATEMIOE  
 Decision #CT75-5045 (D)  
 40 FR 15294 - 4/4/75  
 Decision #DE75-3001 (B,H,Hw)  
 40 FR 930 - 1/3/75  
 Mod. #1 - 40 FR 14195 - 3/28/75  
 Mod. #2 - 40 FR 22730 - 5/23/75  
 KENT COUNTY  
 (B,H,Hw,O) - See Statewide  
 NEW CASTLE COUNTY  
 (B,H,Hw,O) - See Statewide  
 SUSSEX COUNTY  
 (B,H,Hw,O) - See Statewide

FLORIDA (Cont'd.)

BAY COUNTY (Cont'd.)  
 Decision #AQ-4030 (Hw)  
 38 FR 29727 - 10/26/73  
 Mod. #1 - 38 FR 31098 - 11/9/73  
 Mod. #2 - 40 FR 12003 - 3/14/75  
 Mod. #3 - 40 FR 17457 - 4/18/75  
 BRAUFORD COUNTY  
 (Hw) - See Alachua County  
 BREVARD COUNTY (Cape Kennedy  
 Kennedy Space Flight Center &  
 Patrick AFB only)  
 Decision #FL75-1035 (B,H,Hw)  
 40 FR 12972 - 3/21/75  
 Decision #AR-4068 (D)  
 39 FR 44915 - 12/27/74  
 (Remainder of County)  
 Decision #AQ-4006 (Hw)  
 38 FR 22842 - 8/24/73  
 Mod. #1 - 39 FR 5047 - 2/18/74  
 BROWARD COUNTY  
 Decision #AQ-4003 (Hw)  
 38 FR 22841 - 8/24/73  
 Decision #FL75-1011 (B,H)  
 40 FR 3886 - 1/24/75  
 Mod. #1 - 40 FR 8694 - 2/28/75  
 Mod. #2 - 40 FR 12952 - 3/21/75  
 (O) - See Brevard County  
 CALHOUN COUNTY  
 (Hw) - See Bay County  
 CHARLOTTE COUNTY  
 Decision #AQ-4019 (Hw)  
 38 FR 27703 - 10/5/73  
 Mod. #1 - 40 FR 12003 - 3/14/75  
 (O) - See Brevard County  
 CITRUS COUNTY  
 Decision #AR-4000 (R)  
 39 FR 24775 - 7/5/74  
 Mod. #1 - 40 FR 12003 - 3/14/75  
 Decision #AQ-4039 (Hw)  
 38 FR 32203 - 11/30/73  
 (O) - See Brevard County  
 CLAY COUNTY  
 (Hw) - See Baker County  
 COLLIER COUNTY  
 (Hw) - See Brevard County  
 (Hw) - See Charlotte County  
 COLUMBIA COUNTY  
 (B,H) - See Alachua County  
 DADE COUNTY  
 Decision #FL75-1018 (B)  
 40 FR 6018 - 2/7/75  
 Mod. #1 - 40 FR 14196 - 3/28/75  
 Mod. #2 - 40 FR 17457 - 4/18/75  
 Decision #AR-4050 (R)  
 39 FR 38077 - 10/25/74  
 Mod. #1 - 39 FR 40404 - 11/15/74  
 (O) - See Brevard County  
 (Hw) - See Broward County

FLORIDA (Cont'd.)

DESOTO COUNTY  
 Decision #AR-4065 (R)  
 40 FR 43468 - 12/13/74  
 Decision #AQ-4017 (Hw)  
 38 FR 27718 - 10/5/73  
 Mod. #1 - 40 FR 12002 - 3/14/75  
 DIXIE COUNTY  
 (O) - See Brevard County  
 (B,H) - See Alachua County  
 DUVAL COUNTY  
 Decision #FL75-1016 (B)  
 40 FR 4807 - 1/31/75  
 Mod. #1 - 40 FR 12952 - 3/21/75  
 Mod. #2 - 40 FR 22730 - 5/23/75  
 (O) - See Brevard County  
 (Hw) - See Baker County  
 ESCAMBIA COUNTY  
 Decision #FL75-1024 (B)  
 40 FR 7801 - 2/21/75  
 Mod. #1 - 40 FR 12953 - 3/21/75  
 Mod. #2 - 40 FR 18275 - 4/25/75  
 Decision #AP-178 (R)  
 38 FR 11259 - 5/4/73  
 Mod. #1 - 39 FR 12002 - 3/14/75  
 Decision #FL75-1030 (Hw)  
 40 FR 10891 - 3/7/75  
 Mod. #1 - 40 FR 14196 - 3/28/75  
 (O) - See Bay County  
 FLAGLER COUNTY  
 (O) - See Brevard County  
 (Hw) - See Baker County  
 FRANKLIN COUNTY  
 (O) - See Bay County  
 (Hw) - See Bay County  
 GADSDEN COUNTY  
 Decision #AP-179 (R)  
 38 FR 11260 - 5/4/73  
 Mod. #1 - 39 FR 15604 - 5/3/74  
 Mod. #2 - 40 FR 12003 - 3/14/75  
 (Hw) - See Bay County  
 GILCHRIST COUNTY  
 (B,H) - See Alachua County  
 GLADES COUNTY  
 (Hw) - See Charlotte County  
 GULF COUNTY  
 (O) - See Bay County  
 (Hw) - See Alachua County  
 HAMILTON COUNTY  
 (B,H) - See Alachua County  
 HARDEE COUNTY  
 (Hw, R) - See DeSoto County



# FLORIDA (cont'd)

HENDRY COUNTY  
(Hw) - See Charlotte County

HERNANDO COUNTY  
(Hw) - See Broward County

HIGHLANDS COUNTY  
(Hw, R) - See Citrus County  
(R) - See Citrus County  
(Hw) - See De Soto County

HILLSBOROUGH COUNTY  
Decision #FL75-1010 (B)  
40 FR 3884 - 1/24/75  
Mod. #1 - 40 FR 12952 - 3/21/75  
Mod. #2 - 40 FR 17457 - 4/18/75  
Mod. #3 - 40 FR 22730 - 5/23/75  
Decision #AQ-401B (Hw)  
38 FR 27703 - 10/5/73  
Mod. #1 - 40 FR 12003 - 3/14/75  
(D) - See Broward County  
(R) - See Citrus County

HOLMES COUNTY  
(Hw) - See Bay County

INDIAN RIVER COUNTY  
(D) - See Broward County  
(Hw) - See Broward Co. (Remainder of Co.)

JACKSON COUNTY  
(Hw) - See Bay County

JEFFERSON COUNTY  
(D, Hw) - See Bay County  
(R) - See Gadsden County

LAFAYETTE COUNTY  
(B, H) - See Alachua County

LAKE COUNTY  
Decision #AR-4033 (R)  
39 FR 33157 - 9/13/74  
Mod. #1 - 39 FR 39910 - 9/27/74  
(Hw) - See Broward Co. (Remainder of Co.)

LEE COUNTY  
(D) - See Broward County  
(Hw) - See Charlotte County

LEON COUNTY  
Decision #FL75-1036 (B)  
40 FR 14221 - 3/28/75  
(Hw) - See Bay County  
(R) - See Gadsden County

LEVY COUNTY  
(D) - See Broward County  
(Hw) - See Citrus County

LIBERTY COUNTY  
(Hw) - See Bay County

MADISON COUNTY  
(R) - See Gadsden County  
(B, H) - See Alachua County

MANATEE COUNTY  
(D) - See Broward County  
(Hw) - See Hillsborough County

MARION COUNTY  
(Hw) - See Citrus County

MARTIN COUNTY  
Decision #FL75-1033 (B)  
40 FR 14219 - 3/28/75  
Mod. #1 - 40 FR 19327 - 5/2/75  
(D) - See Broward County  
(Hw) - See Broward County

# FLORIDA (cont'd)

MONROE COUNTY  
(D) - See Broward County  
(Hw) - See Broward County

NASSAU COUNTY  
(D) - See Broward County  
(Hw) - See Baker County

OKALOOSA COUNTY  
(B) - See Escambia County  
(D) - See Bay County  
Decision #AP-180 (R)  
38 FR 11260 - 5/4/73  
Mod. #1 - 39 FR 15604 - 5/3/74  
Mod. #2 - 40 FR 12002 - 3/14/75

OKEECHOBEE COUNTY  
(Hw) - See DeSoto County

ORANGE COUNTY  
Decision #FL75-1009 (B)  
40 FR 3682 - 1/24/75  
Mod. #1 - 40 FR 12952 - 3/21/75  
(Hw) - See Broward Co. (Remainder of Co.)  
(R) - See Lake County

OSCEOLA COUNTY  
(Hw) - See Broward Co. (Remainder of Co.)  
(R) - See Lake County

PALM BEACH COUNTY  
(D) - See Broward County  
(B) - See Martin County

PASCO COUNTY  
(D) - See Broward County  
(Hw) - See Hillsborough County

PINELLAS COUNTY  
Decision #FL75-1034 (B)  
40 FR 12970 - 3/21/75  
Mod. #1 - 40 FR 16477 - 4/11/75  
(R) - See Citrus County  
(D) - See Broward County  
(Hw) - See Hillsborough County

POLK COUNTY  
(Hw) - See DeSoto County  
(R) - See DeSoto County

PUTNAM COUNTY  
(Hw) - See Baker County  
(D) - See Broward County

ST. JOHNS COUNTY  
(D) - See Broward County  
(Hw) - See Baker County

ST. LUCIE COUNTY  
(D) - See Broward County  
(Hw) - See Broward County

SANTA ROSA COUNTY  
(B) - See Escambia County  
(D, Hw) - See Bay County  
(R) - See Okaloosa County

# FLORIDA (Cont'd)

SARASOTA COUNTY  
(D) - See Broward County  
(Hw) - See Hillsborough County

SEMINOLE COUNTY  
(Hw) - See Broward Co. (Remainder of Co.)  
(R) - See Lake County

SUMTER COUNTY  
(Hw, R) - See Citrus County

SUWANNEE COUNTY  
(B, H) - See Alachua County

TAYLOR COUNTY  
(D) - See Broward County  
(R) - See Gadsden County  
(B, H) - See Alachua County

UNION COUNTY  
(B, H) - See Alachua County

VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)  
Decision #FL75-1040 (B)  
40 FR 14223 - 3/28/75  
(B, H, Hw) - See Broward Co. (Cape Kennedy, Etc.)  
(D) - See Broward County  
(Hw) - See Broward County (Remainder of Co.)

WAKULLA COUNTY  
(D) - See Bay County  
(Hw) - See Bay County

WALTON COUNTY  
(B) - See Escambia County  
(D, Hw) - See Bay County  
(R) - See Okaloosa County

WASHINGTON COUNTY  
(Hw) - See Bay County

# GEORGIA

STATEWIDE  
Decision #AR-4038 (Hw)  
39 FR 34984 - 9/27/74  
Mod. #1 - 39 FR 36711 - 10/11/74  
Mod. #2 - 40 FR 23629 - 5/30/75

APPLING COUNTY  
(Hw) - See Statewide

ATKINSON COUNTY  
(Hw) - See Statewide

BACON COUNTY  
(Hw) - See Statewide

# GEORGIA

BAKER COUNTY  
Decision #AQ-4089 (R)  
39 FR 10067 - 3/15/74  
Mod. #1 - 40 FR 3083 - 1/17/75  
(Hw) - See Statewide

BALDWIN COUNTY  
(Hw) - See Statewide

BANKS COUNTY  
(Hw) - See Statewide

BARROW COUNTY  
Decision #AQ-4108 (R)  
39 FR 14841 - 4/26/74  
(Hw) - See Statewide

BARTOW COUNTY  
(Hw) - See Statewide

BEN HILL COUNTY  
(Hw) - See Statewide

BERRIEN COUNTY  
(Hw) - See Statewide

BIBB COUNTY  
(Hw) - See Statewide

BLECKLEY COUNTY  
(Hw) - See Statewide

BRANTLEY COUNTY  
(Hw) - See Statewide

BROOKS COUNTY  
(Hw) - See Statewide

BRYAN COUNTY  
(Hw) - See Statewide  
Decision #AQ-4058 (R)  
39 FR 3394 - 1/25/74  
Decision #HD75-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75

BULLOCH COUNTY  
(R) - See Bryan County  
(Hw) - See Statewide

BURKE COUNTY  
Decision #AQ-4085 (R)  
39 FR 9333 - 3/8/74  
(Hw) - See Statewide

BUTTS COUNTY  
(Hw) - See Statewide

CALHOUN COUNTY  
(Hw) - See Statewide  
(R) - See Baker County

CAMDEN COUNTY  
(D) - See Bryan County  
(Hw) - See Statewide

CANDLER COUNTY  
(Hw) - See Statewide

CARROLL COUNTY  
(Hw) - See Statewide

CATOOSA COUNTY  
(Hw) - See Statewide

CHARLTON COUNTY  
Decision #AR-4037 (R)  
39 FR 33919 - 9/20/75  
Mod. #1 - 40 FR 3088 - 1/17/75  
(Hw) - See Statewide



## GEORGIA (Cont'd.)

## GEORGIA (Cont'd.)

## GEORGIA (Cont'd.)

## GEORGIA (Cont'd.)

CHATHAM COUNTY  
Decision #AR-4064 (8)  
39 FR 42817 - 12/6/74  
Mod. #1 - 40 FR 16478 - 4/11/75  
Decision #AQ-4058 (R)  
39 FR 3394 - 1/25/74  
(D, R) - See Bryan County  
CHATTahoochee County  
Decision #GA75-1039 (B)  
40 FR 16471 - 4/11/75  
Mod. #1 - 40 FR 24455 - 6/6/75  
Decision #AQ-4086 (R)  
39 FR 9334 - 3/8/74  
Mod. #1 - 40 FR 3083 - 1/17/75  
(Hw) - See Statewide  
CHATTOOGA COUNTY  
(Hw) - See Statewide  
CHEROKEE COUNTY  
(Hw) - See Statewide  
CLARKE COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
CLAY COUNTY  
(R) - See Baker County  
(Hw) - See Statewide  
CLAYTON COUNTY  
Decision #GA75-1019 (B)  
40 FR 6020 - 2/7/75  
Mod. #1 - 40 FR 16478 - 4/11/75  
Mod. #2 - 40 FR 19326 - 5/2/75  
Decision #AQ-4052 (R)  
39 FR 2328 - 1/18/74  
Decision #AR-4051 (H)  
39 FR 38797 - 11/1/74  
(Hw) - See Statewide  
CLINCH COUNTY  
(Hw) - See Statewide  
COBB COUNTY  
(B, H, R) - See Fulton County  
(Hw) - See Statewide  
COFFEE COUNTY  
(Hw) - See Statewide  
COLQUITT COUNTY  
(Hw) - See Statewide  
COLUMBIA COUNTY  
(R) - See Burke County  
(Hw) - See Statewide  
COOK COUNTY  
(Hw) - See Statewide  
COMETA COUNTY  
(Hw) - See Statewide  
CRAWFORD COUNTY  
(Hw) - See Statewide  
CRISP COUNTY  
(Hw) - See Statewide  
DADE COUNTY  
(Hw) - See Statewide  
DAMSON COUNTY  
(Hw) - See Statewide  
DECATUR COUNTY  
(Hw) - See Baker County  
(R) - See Barrow County  
(Hw) - See Statewide

DEKALB COUNTY  
(8, H, R) - See Clayton County  
(Hw) - See Statewide  
DODGE COUNTY  
(Hw) - See Statewide  
DOOLY COUNTY  
(Hw) - See Statewide  
DOUGHERTY COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
DOUGLAS COUNTY  
(Hw) - See Statewide  
EARLY COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
ECHOLS COUNTY  
(Hw) - See Statewide  
EFFINGHAM COUNTY  
(R) - See Barrow County  
(Hw) - See Statewide  
ELBERT COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
EMANUEL COUNTY  
(Hw) - See Statewide  
EVANS COUNTY  
(R) - See Bryan County  
(Hw) - See Statewide  
FANNIN COUNTY  
(Hw) - See Statewide  
FAYETTE COUNTY  
(Hw) - See Statewide  
FLOYD COUNTY  
(Hw) - See Statewide  
FORSYTH COUNTY  
(Hw) - See Statewide  
FRANKLIN COUNTY  
(Hw) - See Statewide  
FULTON COUNTY  
(Hw) - See Statewide  
(B, H, R) - See Clayton County  
GILMER COUNTY  
(Hw) - See Statewide  
GLASCOCK COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
GLYNN COUNTY  
(D) - See Bryan County  
(Hw) - See Statewide  
GORDON COUNTY  
(Hw) - See Statewide  
GRADY COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
GREENE COUNTY  
(R) - See Barrow County  
(Hw) - See Statewide

GINNETT COUNTY  
(H, R) - See Clayton County  
(Hw) - See Statewide  
HABERSHAM COUNTY  
(Hw) - See Statewide  
HALL COUNTY  
Decision #GA75-1025 (B)  
40 FR 8691 - 2/21/75  
Mod. #1 - 40 FR 12003 - 3/14/75  
(Hw) - See Statewide  
HANCOCK COUNTY  
(R) - See Burke County  
HARALSON COUNTY  
(Hw) - See Statewide  
HARRIS COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
HART COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
HEARD COUNTY  
(Hw) - See Statewide  
HENRY COUNTY  
(Hw) - See Statewide  
HOUSTON COUNTY  
(Hw) - See Statewide  
IRWIN COUNTY  
(Hw) - See Statewide  
JACKSON COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
JASPER COUNTY  
(Hw) - See Statewide  
JEFF DAVIS COUNTY  
(Hw) - See Statewide  
JEFFERSON COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
JENKINS COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
JOHNSON COUNTY  
(Hw) - See Statewide  
JONES COUNTY  
(Hw) - See Statewide  
LAMAR COUNTY  
(Hw) - See Statewide  
LANIER COUNTY  
(Hw) - See Statewide  
LAURENS COUNTY  
Decision #AQ-4124 (B)  
39 FR 20912 - 6/14/74  
(Hw) - See Statewide  
LEE COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
LIBERTY COUNTY  
(D, R) - See Bryan County  
(Hw) - See Statewide  
LINCOLN COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
LONG COUNTY  
(Hw) - See Statewide  
(R) - See Bryan County  
LOUNDES COUNTY  
(Hw) - See Statewide  
LUMPKIN COUNTY  
(Hw) - See Statewide  
MCDOUFFIE COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
MCINTOSH COUNTY  
(D) - See Bryan County  
(Hw) - See Statewide  
MACON COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
MADISON COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
MARION COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
MERIWETHER COUNTY  
(R) - See Chattahoochee County  
(Hw) - See Statewide  
MILLER COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
MITCHELL COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
MONROE COUNTY  
(Hw) - See Statewide  
(R) - See Statewide  
MONTGOMERY COUNTY  
(Hw) - See Statewide  
MORGAN COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
MURRAY COUNTY  
(Hw) - See Statewide  
MUSCOGEE COUNTY  
(B, R) - See Chattahoochee County  
(Hw) - See Statewide  
NEWTON COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
OCONEE COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
OGLETHORPE COUNTY  
(Hw) - See Statewide  
(R) - See Barrow County  
PAULDING COUNTY  
(Hw) - See Statewide  
PEACH COUNTY  
(Hw) - See Statewide  
PICKENS COUNTY  
(Hw) - See Statewide  
PIERCE COUNTY  
(R) - See Charlton County  
(Hw) - See Statewide



GEORGIA (Cont'd.)

PIKE COUNTY  
(Hw) - See Statewide  
POLK COUNTY  
(Hw) - See Statewide  
PULASKI COUNTY  
(Hw) - See Statewide  
PUTNAM COUNTY  
(Hw) - See Statewide  
QUITMAN COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
RABUN COUNTY  
(Hw) - See Statewide  
RANDOLPH COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
RICHMOND COUNTY  
Decision #GA75-1005 (B)  
40 FR 3091 - 1/17/75  
Mod. #1 - 40 FR 6900 - 2/14/75  
Mod. #2 - 40 FR 1932B - 5/2/75  
(Hw) - See Statewide  
(R) - See Burke County  
ROCKDALE COUNTY  
(Hw) - See Statewide  
SCHLEY COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
SCREVEN COUNTY  
(Hw) - See Statewide  
SEMINOLE COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
SPALDING COUNTY  
(Hw) - See Statewide  
STEPHENS COUNTY  
(Hw) - See Statewide  
STEWART COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
SUMTER COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
TALBOT COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
TALIAFERRO COUNTY  
(R) - See Burke County  
(Hw) - See Statewide  
TATTNALL COUNTY  
(Hw) - See Statewide  
TAYLOR COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
TELFAIR COUNTY  
(Hw) - See Statewide  
TERRELL COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
THOMAS COUNTY  
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY  
(Hw) - See Statewide  
TOOMBS COUNTY  
(Hw) - See Statewide  
TOWNS COUNTY  
(Hw) - See Statewide  
TREUTLEN COUNTY  
(Hw) - See Statewide  
TROUP COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
TURNER COUNTY  
(Hw) - See Statewide  
TWIGGS COUNTY  
(Hw) - See Statewide  
UNION COUNTY  
(Hw) - See Statewide  
UPSON COUNTY  
(Hw) - See Statewide  
WALKER COUNTY  
(Hw) - See Statewide  
WALTON COUNTY  
(Hw) - See Statewide  
(R) - See Barron County  
WARE COUNTY  
Decision #GA75-100B (B)  
40 FR 3093 - 1/17/75  
(R) - See Charlton County  
(Hw) - See Statewide  
WARREN COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
WASHINGTON COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
WAYNE COUNTY  
(Hw) - See Statewide  
WEBSTER COUNTY  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
WHEELER COUNTY  
(Hw) - See Statewide  
WHITE COUNTY  
(Hw) - See Statewide  
WHITEFIELD COUNTY  
(Hw) - See Statewide  
WILCOX COUNTY  
(Hw) - See Statewide  
WILKES COUNTY  
(R) - See Burke County  
(Hw) - See Statewide  
WILKINSON COUNTY  
(Hw) - See Statewide  
WORTH COUNTY  
(Hw) - See Statewide

GUAM

Decision #AR-1029 (B,H,Hw,R)  
39 FR 32448 - 9/6/74

IOAHO

STATEWIDE  
Decision #ID75-5056 (B,H,Hw)  
40 FR 20566 - 5/9/75  
ADA COUNTY  
Decision #AQ-1029 (R)  
38 FR 24513 - 9/7/73  
Mod. #1 - 38 FR 26543 - 9/21/73  
(B,H,Hw) - See Statewide  
ADAMS COUNTY  
(B,H,Hw) - See Statewide  
BANNOCK COUNTY  
(B,H,Hw) - See Statewide  
BEAR LAKE COUNTY  
(B,H,Hw) - See Statewide  
BENEAH COUNTY  
(B,H,Hw) - See Statewide  
BINGHAM COUNTY  
(B,H,Hw) - See Statewide  
BLAINE COUNTY  
(B,H,Hw) - See Statewide  
BOISE COUNTY  
(B,H,Hw) - See Statewide  
BONNER COUNTY  
(B,H,Hw) - See Statewide  
BONNEVILLE COUNTY  
(B,H,Hw) - See Statewide  
BOUNDARY COUNTY  
(B,H,Hw) - See Statewide  
BUTTE COUNTY  
(B,H,Hw) - See Statewide  
CAMAS COUNTY  
(B,H,Hw) - See Statewide  
CANYON COUNTY  
(B,H,Hw) - See Statewide  
CARIBOU COUNTY  
(B,H,Hw) - See Statewide  
CASSIA COUNTY  
(B,H,Hw) - See Statewide  
CLARK COUNTY  
(B,H,Hw) - See Statewide  
CLEARWATER COUNTY  
(B,H,Hw) - See Statewide  
CUSTER COUNTY  
(B,H,Hw) - See Statewide  
ELMORE COUNTY  
(B,H,Hw) - See Statewide  
FRANKLIN COUNTY  
(B,H,Hw) - See Statewide

HAWAII

STATEWIDE  
Decision #HI75-5002 (B,H,Hw,D,R)  
40 FR 3888 - 1/24/75  
Mod. #1 - 40 FR 12003 - 3/14/75  
Mod. #2 - 40 FR 12953 - 3/21/75  
Mod. #3 - 40 FR 16479 - 4/11/75



IDAHO (Cont'd.)

FREMONT COUNTY  
(B, H, Hw) - See Statewide

GEM COUNTY  
(B, H, Hw) - See Statewide

GOODING COUNTY  
(B, H, Hw) - See Statewide

IDAHO COUNTY  
(B, H, Hw) - See Statewide

JEFFERSON COUNTY  
(B, H, Hw) - See Statewide

JEROME COUNTY  
(B, H, Hw) - See Statewide

KOOTENAI COUNTY  
(B, H, Hw) - See Statewide

LATAH COUNTY  
(B, H, Hw) - See Statewide

LEWIS COUNTY  
(B, H, Hw) - See Statewide

LEWIS COUNTY  
(B, H, Hw) - See Statewide

LINCOLN COUNTY  
(B, H, Hw) - See Statewide

MADISON COUNTY  
(B, H, Hw) - See Statewide

MINIDOKA COUNTY  
(B, H, Hw) - See Statewide

NEZ PERCE COUNTY  
(B, H, Hw) - See Statewide

ONEIDA COUNTY  
(B, H, Hw) - See Statewide

OWYHEE COUNTY  
(B, H, Hw) - See Statewide

PAYETTE COUNTY  
(B, H, Hw) - See Statewide

POWER COUNTY  
(B, H, Hw) - See Statewide

SHOSHONE COUNTY  
(B, H, Hw) - See Statewide

TETON COUNTY  
(B, H, Hw) - See Statewide

TWIN FALLS COUNTY  
(B, H, Hw) - See Statewide

VALLEY COUNTY  
(B, H, Hw) - See Statewide

WASHINGTON COUNTY  
(B, H, Hw) - See Statewide

ADAMS COUNTY  
Decision #IL75-2055 (B)  
40 FR 15265 - 4/4/75

Decision #AR-3059 (H, Hw)  
39 FR 28030 - 8/2/74

Mod. #1 - 40 FR 3861 - 1/24/75

Mod. #2 - 40 FR 14198 - 3/28/75

ALEXANDER COUNTY  
Decision #AR-3062 (H, Hw)  
39 FR 28041 - 8/2/74

ILLINOIS (Cont'd.)

ALEXANDER COUNTY (Cont'd.)  
Mod. #1 - 40 FR 3862 - 1/24/75  
Mod. #2 - 40 FR 14200 - 3/28/75  
Decision #IL75-2036 (D)  
40 FR 6023 - 2/7/75

BOND COUNTY  
Decision #IL75-2015 (H, Hw)  
40 FR 6927 - 2/14/75

Mod. #1 - 40 FR 22732 - 5/23/75

BOONE COUNTY  
Decision #IL75-2078 (H, Hw)  
40 FR 23637 - 5/30/75

BROWN COUNTY  
(B, H, Hw) - See Adams County

BUREAU COUNTY  
(D) - See Alexander County

Decision #IL75-2035 (B)  
40 FR 5961 - 2/7/75

Mod. #1 - 40 FR 8694 - 2/21/75

Mod. #2 - 40 FR 12004 - 3/14/75

Mod. #3 - 40 FR 19325 - 5/2/75

Decision #AR-3056 (H, Hw)  
39 FR 28018 - 8/2/74

Mod. #1 - 40 FR 925 - 1/3/75

Mod. #2 - 40 FR 14197 - 3/28/75

CALHOUN COUNTY  
(H, Hw) - See Bond County

(D) - See Alexander County

CARROLL COUNTY  
(H, Hw) - See Bureau County

CASS COUNTY  
(H, Hw) - See Adams County

(D) - See Alexander County

CHAMPAIGN COUNTY  
Decision #AR-3170 (B)  
39 FR 40421 - 11/15/74

Mod. #1 - 40 FR 12006 - 3/14/75

Decision #AR-3058 (H, Hw)  
39 FR 28027 - 8/2/74

Mod. #1 - 39 FR 30665 - 8/23/74

Mod. #2 - 40 FR 3084 - 1/17/75

Mod. #3 - 40 FR 14198 - 3/28/75

CHRISTIAN COUNTY  
(H, Hw) - See Adams County

Decision #IL75-2041 (B)  
40 FR 7769 - 2/21/75

CLARK COUNTY  
(H, Hw) - See Champaign County

CLAY COUNTY  
Decision #AR-3060 (H, Hw)  
39 FR 28033 - 8/2/74

Mod. #1 - 40 FR 3861 - 1/24/75

Mod. #2 - 40 FR 14199 - 3/28/75

Mod. #3 - 40 FR 16479 - 4/11/75

CLINTON COUNTY  
(H, Hw) - See Bond County

COLES COUNTY  
(H, Hw) - See Champaign County

COOK COUNTY  
Decision #AR-3064 (B, H, Hw, R)  
39 FR 28800 - 8/9/74

Mod. #1 - 39 FR 42806 - 12/6/74

Mod. #2 - 40 FR 12004 - 3/14/75

Decision #IL75-5051 (D)  
40 FR 16529 - 4/11/75

ILLINOIS

CRAWFORD COUNTY  
(H, Hw) - See Clay County

CUMBERLAND COUNTY  
(H, Hw) - See Champaign County

DEKALB COUNTY  
(H, Hw) - See Boone County

DEWITT COUNTY  
(B) - See Christian County

(H, Hw) - See Champaign County

BOUGLAS COUNTY  
(H, Hw) - See Champaign County

DU PAGE COUNTY  
Decision #IL75-2050 (B, R)  
40 FR 12029 - 3/7/75

Mod. #1 - 40 FR 18276 - 4/25/75

Mod. #2 - 40 FR 19325 - 5/2/75

EDGAR COUNTY  
(H, Hw) - See Boone County

(H, Hw) - See Champaign County

EDWARDS COUNTY  
(H, Hw) - See Clay County

EFFINGHAM COUNTY  
(H, Hw) - See Clay County

FAYETTE COUNTY  
(H, Hw) - See Clay County

FORD COUNTY  
Decision #IL75-2052 (B)  
40 FR 15261 - 4/4/75

Mod. #1 - 40 FR 19325 - 5/2/75

Decision #IL75-2001 (H, Hw)  
40 FR 934 - 1/3/75

Mod. #1 - 40 FR 14200 - 3/28/75

Mod. #2 - 40 FR 19325 - 5/2/75

Mod. #3 - 40 FR 22731 - 5/23/75

FRANKLIN COUNTY  
(H, Hw) - See Alexander County

FULTON COUNTY  
Decision #AR-3057 (H, Hw)  
39 FR 28022 - 8/2/74

Mod. #1 - 40 FR 3084 - 1/17/75

Mod. #2 - 40 FR 14197 - 3/28/75

Mod. #3 - 40 FR 19325 - 5/2/75

GALLATIN COUNTY  
(H, Hw) - See Alexander County

(D) - See Alexander County

GREENE COUNTY  
(H, Hw) - See Bond County

(D) - See Alexander County

GRUNDY COUNTY  
(H, Hw) - See Ford County

HAMILTON COUNTY  
(H, Hw) - See Clay County

HANCOCK COUNTY  
(H, Hw) - See Fulton County

HARDIN COUNTY  
(H, Hw) - See Alexander County

(D) - See Alexander County

HENDERSON COUNTY  
(H, Hw) - See Fulton County

HENRY COUNTY  
(H, Hw) - See Bureau County

IROQUOIS COUNTY  
(B, H, Hw) - See Ford County

ILLINOIS (Cont'd.)

JACKSON COUNTY  
(H, Hw) - See Alexander County

(D) - See Alexander County

JASPER COUNTY  
(H, Hw) - See Clay County

JEFFERSON COUNTY  
(H, Hw) - See Clay County

JERSEY COUNTY  
(H, Hw) - See Bond County

(D) - See Alexander County

JO DAVIESS COUNTY  
(H, Hw) - See Bureau County

JOHNSON COUNTY  
(H, Hw) - See Alexander County

KANE COUNTY  
(B, R) - See Du Page County

(H, Hw) - See Boone County

KANKAKEE COUNTY  
(B, H, Hw) - See Ford County

KENDALL COUNTY  
(H, Hw) - See Boone County

KNOX COUNTY  
(H, Hw) - See Fulton County

LAKE COUNTY  
(B, R) - See Du Page County

(D) - See Cook County

(H, Hw) - See Boone County

LA SALLE COUNTY  
(B) - See Bureau County

(H, Hw) - See Ford County

LAWRENCE COUNTY  
(H, Hw) - See Clay County

LEE COUNTY  
(H, Hw) - See Bureau County

LIVINGSTON COUNTY  
(B) - See Bureau County

(H, Hw) - See Ford County

LOGAN COUNTY  
(H, Hw) - See Adams County

MCDONOUGH COUNTY  
(H, Hw) - See Fulton County

MCHEERY COUNTY  
(H, Hw) - See Fulton County

Mc LEAN COUNTY  
(H, Hw) - See Ford County

MACON COUNTY  
(B) - See Christian County

(H, Hw) - See Champaign County

MACAUPIN COUNTY  
(H, Hw) - See Bond County

MADISON COUNTY  
Decision #IL75-2016 (B, R)  
40 FR 6931 - 2/14/75

(H, Hw) - See Bond County



## ILLINOIS (Cont'd)

MARION COUNTY  
(H,Hw) - See Clay County

MARSHALL COUNTY  
(B) - See Bureau County  
(H,Hw) - See Ford County

MASON COUNTY  
(H,Hw) - See Adams County

MASSAC COUNTY  
(H,Hw) - See Alexander County

MENARD COUNTY  
(H,Hw) - See Adams County

MERCER COUNTY  
(H,Hw) - See Fulton County

MONROE COUNTY  
(H,Hw) - See Bond County  
(D) - See Alexander County

MONTGOMERY COUNTY  
(H,Hw) - See Bond County

MORGAN COUNTY  
(H,Hw) - See Adams County  
(D) - See Alexander County

MOULTRIE COUNTY  
(B) - See Christian County  
(H,Hw) - See Champaign County

OGLE COUNTY  
(H,Hw) - See Bureau County

PEORIA COUNTY  
Decision #AR-3069 (B,R,D)  
39 FR 28813 - 8/9/74  
Mod. #1 - FR 42806 - 12/6/74  
Mod. #2 - 40 FR 12005 - 3/14/75  
(H,Hw) - See Fulton County

PERRY COUNTY  
(H,Hw) - See Alexander County

PIATT COUNTY  
(B) - See Christian County  
(H,Hw) - See Champaign County

PIKE COUNTY  
(B,H,Hw) - See Adams County  
(D) - See Alexander County

POPE COUNTY  
(H,Hw,D) - See Alexander County

PULASKI COUNTY  
(H,Hw,D) - See Alexander County

PUTNAM COUNTY  
(B) - See Bureau County  
(H,Hw) - See Ford County

RANDOLPH COUNTY  
(H,Hw,D) - See Alexander County

RICHLAND COUNTY  
(H,Hw) - See Clay County

ROCK ISLAND COUNTY  
Decision #IL75-2051 (B)  
4D FR 12976 - 3/21/75  
(H,Hw) - See Bureau County

SAINT CLAIR COUNTY  
(B,R) - See Madison County  
(H,Hw) - See Bond County  
(D) - See Alexander County

## ILLINOIS (Cont'd)

SALINE COUNTY  
(H,Hw) - See Alexander County

SANGAMON COUNTY  
Decision #AR-3072 (B,R)  
39 FR 28822 - 8/9/74  
Mod. #1 - 39 FR 43459 - 12/13/74  
Mod. #2 - 40 FR 12006 - 3/14/75  
(H,Hw) - See Adams County

SCHUYLER COUNTY  
(H,Hw) - See Adams County

SCOTT COUNTY  
(H,Hw) - See Adams County  
(D) - See Alexander County

SHELBY COUNTY  
(B) - See Christian County  
(H,Hw) - See Champaign County

STARK COUNTY  
(H,Hw) - See Fulton County

STEPHENSON COUNTY  
(H,Hw) - See Bureau County

TAZEWELL COUNTY  
(B,R,D) - See Peoria County  
(H,Hw) - See Fulton County

UNION COUNTY  
(H,Hw,D) - See Alexander County

VERMILLION COUNTY  
(H,Hw) - See Champaign County  
(B) - See Champaign County

WABASH COUNTY  
(H,Hw) - See Clay County

WARREN COUNTY  
(H,Hw) - See Fulton County

WASHINGTON COUNTY  
(H,Hw) - See Bond County

WAYNE COUNTY  
(H,Hw) - See Clay County

WHITE COUNTY  
(H,Hw) - See Clay County

WHITEWIDE COUNTY  
(H,Hw) - See Bureau County

WILL COUNTY  
(B,R) - See Du Page County  
(H,Hw) - See Boone County

WILLIAMSON COUNTY  
Decision #IL75-2043 (B)  
40 FR 8736 - 2/28/75  
Mod. #1 - 40 FR 18276 - 4/25/75  
(H,Hw) - See Alexander County

WINNEBAGO COUNTY  
Decision #IL75-2044 (B)  
40 FR 10893 - 3/7/75  
(H,Hw) - See Bureau County

WOODFORD COUNTY  
(B) - See Bureau County  
(H,Hw) - See Ford County

## INDIANA

ADAMS COUNTY  
Decision #IN75-2037 (H,Hw)  
40 FR 7814 - 2/21/75  
Mod. #1 - 40 FR 21655 - 5/16/75

ALLEN COUNTY  
Decision #IN75-2017 (B)  
40 FR 6024 - 2/7/75  
Mod. #1 - 40 FR 10871 - 3/7/75  
Mod. #2 - 40 FR 20557 - 5/9/75  
Decision #AQ-3000 (R)  
38 FR 22341 - 8/17/73  
(H,Hw) - See Adams County

BARTHOLOMEW COUNTY  
Decision #IN75-2018 (B)  
40 FR 4809 - 1/31/75  
Mod. #1 - 40 FR 10871 - 3/7/75  
Mod. #2 - 40 FR 20557 - 5/9/75  
Decision #IN75-2046 (H,Hw)  
40 FR 7831 - 2/21/75  
Mod. #1 - 40 FR 21656 - 5/16/75

BENTON COUNTY  
Decision #IN75-2019 (B)  
40 FR 6027 - 2/7/75  
Mod. #1 - 40 FR 10871 - 3/7/75  
Mod. #2 - 40 FR 20557 - 5/9/75  
Decision #IN75-2038 (H,Hw)  
40 FR 7820 - 2/21/75  
Mod. #1 - 40 FR 21655 - 5/16/75

BLACKFORD COUNTY  
Decision #IN75-2039 (H,Hw)  
40 FR 7824 - 2/21/75  
Mod. #1 - 40 FR 12953 - 3/21/75  
Mod. #2 - 40 FR 21656 - 5/16/75

BOONE COUNTY  
Decision #AP-668 (R)  
38 FR 13247 - 5/18/73  
(H,Hw) - See Bartholomew County

BROWN COUNTY  
(H,Hw) - See Bartholomew County

CARROLL COUNTY  
(H,Hw) - See Benton County

CASS COUNTY  
(H,Hw) - See Benton County

CLARK COUNTY  
Decision #IL75-2036 (D)  
4D FR 6023 - 2/7/75  
(H,Hw) - See Bartholomew County

CLAY COUNTY  
(H,Hw) - See Bartholomew County

CLINTON COUNTY  
(H,Hw) - See Benton County

CRAWFORD COUNTY  
(H,Hw) - See Bartholomew County  
(D) - See Clark County

DAVIESS COUNTY  
(H,Hw) - See Bartholomew County

DEARBORN COUNTY  
Decision #IN75-2020 (B)  
40 FR 4812 - 1/31/75  
Mod. #1 - 40 FR 10872 - 3/7/75  
Mod. #2 - 40 FR 20558 - 5/9/75  
(H,Hw) - See Bartholomew County

## INDIANA (cont'd)

DECATUR COUNTY  
(H,Hw) - See Bartholomew County

DEKALB COUNTY  
(H,Hw) - See Adams County

DELAWARE COUNTY  
Decision #IN75-2045 (B)  
40 FR 7828 - 2/21/75  
Mod. #1 - 40 FR 20561 - 5/9/75  
(H,Hw) - See Blackford County

DUBOIS COUNTY  
(H,Hw) - See Bartholomew County

ELKHART COUNTY  
(H,Hw) - See Adams County

FAYETTE COUNTY  
(H,Hw) - See Blackford County

FLOYD COUNTY  
(D) - See Clark County  
(H,Hw) - See Bartholomew County

FOUNTAIN COUNTY  
(H,Hw) - See Bartholomew County

FRANKLIN COUNTY  
(H,Hw) - See Bartholomew County

FULTON COUNTY  
(H,Hw) - See Benton County

GIBSON COUNTY  
(H,Hw) - See Bartholomew County

GRANT COUNTY  
Decision #IN75-2085 (B)  
40 FR 20563 - 5/9/75  
(H,Hw) - See Blackford County

GREENE COUNTY  
(H,Hw) - See Bartholomew County

HAMILTON COUNTY  
(H,Hw) - See Blackford County  
(R) - See Boone County

HANCOCK COUNTY  
(H,Hw) - See Blackford County  
(R) - See Boone County

HARRISON COUNTY  
(D) - See Clark County  
(H,Hw) - See Bartholomew County

HENDRICKS COUNTY  
(H,Hw) - See Bartholomew County  
(R) - See Boone County

HENRY COUNTY  
(H,Hw) - See Blackford County

HOWARD COUNTY  
(H,Hw) - See Benton County

HUNTINGTON COUNTY  
(H,Hw) - See Adams County

JACKSON COUNTY  
(H,Hw) - See Bartholomew County

JASPER COUNTY  
(H,Hw) - See Benton County

JAY COUNTY  
(H,Hw) - See Blackford County

JEFFERSON COUNTY  
(D) - See Clark County  
(H,Hw) - See Bartholomew County



INDIANA (Cont'd)

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975



## IOWA (Cont'd.)

CLAY COUNTY  
(Hw) - See Carroll County  
CLAYTON COUNTY  
None  
CLINTON COUNTY (City of Clinton and  
abutting municipalities)  
Decision #IA75-4036 (B,H,Hw)  
40 FR 4828 - 1/31/75  
Mod. #1 - 40 FR 6900 - 2/14/75  
Mod. #2 - 40 FR 12954 - 3/21/75  
Mod. #3 - 40 FR 14201 - 3/28/75  
Mod. #4 - 40 FR 23629 - 5/30/75  
CRAWFORD COUNTY  
(H,Hw) - See Carroll County  
DALLAS COUNTY  
None  
DAVIS COUNTY  
(Hw) - See Appanoose County  
DECAUR COUNTY  
None  
DELAWARE COUNTY  
None  
DES MOINES COUNTY (City of Burlington  
and Abutting Municipalities; and  
Burlington Ordinance Plant)  
Decision #IA75-4037 (B,H,Hw)  
40 FR 4831 - 1/31/75  
Mod. #1 - 40 FR 6901 - 2/14/75  
Mod. #2 - 40 FR 12954 - 3/21/75  
Mod. #3 - 40 FR 14202 - 3/28/75  
Mod. #4 - 40 FR 23629 - 5/30/75  
DICKINSON COUNTY  
None  
DUBUQUE COUNTY (City of Dubuque and  
abutting municipalities)  
Decision #IA75-4038 (B,H,Hw)  
40 FR 4834 - 1/31/75  
Mod. #1 - 40 FR 14202 - 3/28/75  
EMMET COUNTY  
None  
FAYETTE COUNTY  
None  
FLOYD COUNTY  
None  
FRANKLIN COUNTY  
None  
FREMONT COUNTY  
Decision #NE75-4054 (Channel Stabilization)  
40 FR 8739 - 2/28/75  
GREENE COUNTY  
None  
GRUNDY COUNTY  
None

## IOWA (Cont'd.)

GUTHRIE COUNTY  
None  
HAMILTON COUNTY  
None  
HANCOCK COUNTY  
None  
HARDIN COUNTY  
None  
HARRISON COUNTY  
(Chann. Stab.) - See Fremont Co.  
HENRY COUNTY  
None  
HOWARD COUNTY  
(H,Hw) - See Carroll County  
HUMBOLDT COUNTY  
None  
IDA COUNTY  
None  
IOWA COUNTY  
(Hw) - See Benton County  
JACKSON COUNTY  
None  
JASPER COUNTY  
None  
JEFFERSON COUNTY  
(Hw) - See Appanoose County  
JOHNSON COUNTY (City of Iowa City and  
abutting municipalities)  
Decision #IA75-4039 (B,H)  
40 FR 4836 - 1/31/75  
Mod. #1 - 40 FR 6902 - 2/14/75  
Mod. #2 - 40 FR 14202 - 3/28/75  
Mod. #3 - 40 FR 18276 - 4/25/75  
(Hw) - See Benton County  
JONES COUNTY  
None  
KEOKUK COUNTY  
(Hw) - See Benton County  
KOSSUTH COUNTY  
None  
LEE COUNTY  
None  
LINN COUNTY  
Decision #IA75-4040 (B,H,Hw)  
40 FR 4839 - 1/31/75  
Mod. #1 - 40 FR 6902 - 2/14/75  
Mod. #2 - 40 FR 14202 - 3/28/75  
Mod. #3 - 40 FR 18276 - 4/25/75

## IOWA (Cont'd.)

LOUISA COUNTY  
None  
LUCAS COUNTY  
None  
LYON COUNTY  
None  
MADISON COUNTY  
None  
MAHASKA COUNTY  
(Hw) - See Benton County  
MARION COUNTY  
None  
MARSHALL COUNTY  
None  
MILLS COUNTY  
(Channel Stab.) - See Freemont Co.  
MITCHELL COUNTY  
None  
MONONA COUNTY  
(H,Hw) - See Carroll County  
(Channel Stab.) - See Freemont Co.  
MONROE COUNTY  
None  
MONTGOMERY COUNTY  
None  
MUSCATINE COUNTY  
O'BRIEN COUNTY  
(H,Hw) - See Carroll County  
OSCEOLA COUNTY  
(H,Hw) - See Carroll County  
PAGE COUNTY  
None  
PALO ALTO COUNTY  
None  
PLYMOUTH COUNTY  
None  
POCAHONTAS COUNTY  
None  
POLK COUNTY  
Decision #IA75-4041 (B,H,Hw)  
40 FR 4841 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75  
Mod. #2 - 40 FR 14202 - 3/28/75  
Mod. #3 - 40 FR 18276 - 4/25/75  
Mod. #4 - 40 FR 22733 - 5/23/75  
POTTAWATTAMIE COUNTY (City of Council  
Bluffs and the area within 3 miles  
from the City Limits)  
Decision #IA75-4042 (B,H,Hw)  
40 FR 4843 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75  
Mod. #2 - 40 FR 12955 - 3/21/75  
Mod. #3 - 40 FR 14202 - 3/28/75  
Mod. #4 - 40 FR 15271 - 4/4/75  
Mod. #5 - 40 FR 18277 - 4/25/75  
Mod. #6 - 40 FR 22733 - 5/23/75  
(Chann. Stab.) - See Freemont County

## IOWA (Cont'd.)

POWESHIEK COUNTY  
(Hw) - See Benton County  
RINGGOLD COUNTY  
(H,Hw) - See Carroll County  
SAC COUNTY  
None  
SCOTT COUNTY  
Decision #IA75-4043 (B,H,Hw)  
40 FR 4845 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75  
Mod. #2 - 40 FR 14203 - 3/28/75  
Mod. #3 - 40 FR 18277 - 4/25/75  
Mod. #4 - 40 FR 23629 - 5/30/75  
SHELBY COUNTY  
None  
STOUE COUNTY  
None  
STORY COUNTY (City of Ames and  
abutting municipalities)  
Decision #IA75-4044 (B,H,Hw)  
40 FR 4848 - 1/31/75  
Mod. #1 - 40 FR 6904 - 2/14/75  
Mod. #2 - 40 FR 14203 - 3/28/75  
TAMA COUNTY  
(Hw) - See Benton County  
TAYLOR COUNTY  
(H,Hw) - See Carroll County  
UNION COUNTY  
None  
VAN BUREN COUNTY  
(Hw) - See Appanoose County  
WAPELLO COUNTY  
(Hw) - See Appanoose County  
WARREN COUNTY  
None  
WASHINGTON COUNTY  
(Hw) - See Benton County  
WAYNE COUNTY  
None  
WEBSTER COUNTY (City of Fort Dodge)  
Decision #IA75-4074 (B,H,Hw)  
40 FR 15295 - 4/4/75  
Mod. #1 - 40 FR 23630 - 5/30/75  
WINNEBAGO COUNTY  
None  
WINNESHIEK COUNTY  
None



# IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)  
Decision #IA75-4046 (B)  
40 FR 4852 - 1/31/75  
Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14203 - 3/28/75  
Mod. #3 - 40 FR 23629 - 5/30/75  
(Chann. Stab.) - See Freemont Co.  
WORTH COUNTY  
None  
WRIGHT COUNTY  
None

# KANSAS

ALLEN COUNTY  
Decision #KS75-4051 (Hw, W&S)  
40 FR 6056 - 2/7/75  
Mod. #1 - 40 FR 7775 - 2/21/75  
ANDERSON COUNTY  
(Hw, W&S) - See Allen County  
ATCHISON COUNTY  
Decision #N075-4070 (D)  
40 FR 14225 - 3/28/75  
(Hw, W&S) - See Allen County  
BARBER COUNTY  
Decision #KS75-4053 (Hw, W&S)  
40 FR 6058 - 2/7/75  
Mod. #1 - 40 FR 7775 - 2/21/75  
BARTON COUNTY  
(Hw, W&S) - See Barber County  
BOURBON COUNTY  
(Hw, W&S) - See Allen County  
BROWN COUNTY  
(Hw, W&S) - See Allen County  
BUTLER COUNTY  
(Hw, W&S) - See Allen County  
CHASE COUNTY  
(Hw, W&S) - See Allen County  
CHAUTAUQUA COUNTY  
(Hw, W&S) - See Allen County  
CHEROKEE COUNTY  
(Hw, W&S) - See Allen County  
CHEYENNE COUNTY  
(Hw, W&S) - See Barber County  
CLARK COUNTY  
(Hw, W&S) - See Barber County

# KANSAS (Cont'd.)

CLAY COUNTY  
(Hw, W&S) - See Allen County  
CLOUD COUNTY  
(Hw, W&S) - See Allen County  
COFFEY COUNTY  
(Hw, W&S) - See Allen County  
COMANCHE COUNTY  
(Hw, W&S) - See Barber County  
COWLEY COUNTY  
(Hw, W&S) - See Allen County  
CRAWFORD COUNTY  
(Hw, W&S) - See Allen County  
DECATUR COUNTY  
(Hw, W&S) - See Barber County  
DICKINSON COUNTY  
(Hw, W&S) - See Allen County  
DONIPHAN COUNTY  
(D) - See Atchison County  
(Hw, W&S) - See Allen County  
DOUGLAS COUNTY  
Decision #KS75-4063 (Hw)  
40 FR 12041 - 3/14/75  
Mod. #1 - 40 FR 19326 - 5/2/75  
EDWARDS COUNTY  
(Hw, W&S) - See Barber County  
ELK COUNTY  
(Hw, W&S) - See Allen County  
ELLIS COUNTY  
(Hw, W&S) - See Barber County  
ELLSWORTH COUNTY  
(Hw, W&S) - See Barber County  
FINNEY COUNTY  
(Hw, W&S) - See Barber County  
FORD COUNTY  
(Hw, W&S) - See Barber County  
FRANKLIN COUNTY  
(Hw, W&S) - See Allen County  
GEARY COUNTY  
Decision #AQ-88 (R)  
39 FR 11791 - 3/29/74  
(Hw, W&S) - See Allen County  
GOVE COUNTY  
(Hw, W&S) - See Barber County  
GRAHAM COUNTY  
(Hw, W&S) - See Barber County  
GRANT COUNTY  
(Hw, W&S) - See Barber County  
GRAY COUNTY  
(Hw, W&S) - See Barber County  
GREELEY COUNTY  
(Hw, W&S) - See Barber County  
GREENWOOD COUNTY  
(Hw, W&S) - See Allen County

# KANSAS (Cont'd.)

HAMILTON COUNTY  
(Hw, W&S) - See Barber County  
HARPER COUNTY  
(Hw, W&S) - See Allen County  
HARVEY COUNTY  
(Hw, W&S) - See Allen County  
HASKELL COUNTY  
(Hw, W&S) - See Barber County  
HODGEMAN COUNTY  
(Hw, W&S) - See Barber County  
JACKSON COUNTY  
(Hw, W&S) - See Allen County  
JEFFERSON COUNTY  
(Hw) - See Douglas County  
JEWELL COUNTY  
(Hw, W&S) - See Barber County  
JOHNSON COUNTY  
Decision #N075-4059 (B, H, Hw)  
40 FR 8740 - 2/28/75  
Mod. #1 - 40 FR 15273 - 4/4/75  
Mod. #2 - 40 FR 17457 - 4/18/75  
Decision #N075-4071 (R)  
40 FR 14226 - 3/28/75  
Mod. #1 - 40 FR 17459 - 4/18/75  
KEARNY COUNTY  
(Hw, W&S) - See Barber County  
KINGMAN COUNTY  
(Hw, W&S) - See Allen County  
KIOWA COUNTY  
(Hw, W&S) - See Barber County  
LABETTE COUNTY  
(Hw, W&S) - See Allen County  
LANE COUNTY  
(Hw, W&S) - See Barber County  
LEAVENWORTH COUNTY  
Decision #KS75-4061 (B)  
40 FR 12034 - 3/14/75  
Mod. #1 - 40 FR 15271 - 4/4/75  
(Hw) - See Douglas County  
(D) - See Atchison County  
LINCOLN COUNTY  
(Hw, W&S) - See Barber County  
LINN COUNTY  
(Hw, W&S) - See Allen County  
LOGAN COUNTY  
(Hw, W&S) - See Barber County

# KANSAS (Cont'd.)

LYON COUNTY  
(Hw, W&S) - See Allen County  
MCIPHERSON COUNTY  
(Hw, W&S) - See Allen County  
MARION COUNTY  
(Hw, W&S) - See Allen County  
MARSHALL COUNTY  
(Hw, W&S) - See Allen County  
MEADE COUNTY  
(Hw, W&S) - See Barber County  
MIAMI COUNTY  
(Hw) - See Douglas County  
MITCHELL COUNTY  
(Hw, W&S) - See Barber County  
MONTGOMERY COUNTY  
(Hw, W&S) - See Allen County  
MORRIS COUNTY  
(Hw, W&S) - See Allen County  
MORTON COUNTY  
(Hw, W&S) - See Barber County  
NEMAHA COUNTY  
(Hw, W&S) - See Allen County  
NEOSHO COUNTY  
(Hw, W&S) - See Allen County  
NESS COUNTY  
(Hw, W&S) - See Barber County  
NORTON COUNTY  
(Hw, W&S) - See Barber County  
OSAGE COUNTY  
(Hw, W&S) - See Allen County  
OSBORNE COUNTY  
(Hw, W&S) - See Barber County  
OTTAWA COUNTY  
(Hw, W&S) - See Allen County  
PAWNEE COUNTY  
(Hw, W&S) - See Barber County  
PHILLIPS COUNTY  
(Hw, W&S) - See Barber County  
POTTAWATOMIE COUNTY  
(Hw, W&S) - See Allen County  
PRATT COUNTY  
(Hw, W&S) - See Barber County  
RAWLINS COUNTY  
(Hw, W&S) - See Barber County

# NOTICES



## KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY  
Decision #AP-183 (R)  
38 FR 11278 - 5/4/74  
(H,Hw) - See Anderson County  
(D) - See Boone County  
BULLITT COUNTY  
(D) - See Boone County  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
BUTLER COUNTY  
(H,Hw) - See Allen County  
CALDWELL COUNTY  
(H,Hw) - See Allen County  
CALLOWAY COUNTY  
(H,Hw) - See Allen County  
CAMPBELL COUNTY  
(B,H,D,Hw) - See Boone County  
CARLISLE COUNTY  
(D) - See Ballard County  
(H,Hw) - See Allen County  
CARROLL COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
CARTER COUNTY  
(H,Hw) - See Anderson County  
CASEY COUNTY  
(H,Hw) - See Adair County  
CHRISTIAN COUNTY  
(H,Hw) - See Allen County  
CLARK COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
CLAY COUNTY  
(H,Hw) - See Adair County  
CLINTON COUNTY  
(H,Hw) - See Adair County  
CRITTENDEN COUNTY  
(H,Hw) - See Allen County  
(D) - See Boone County  
CUMBERLAND COUNTY  
(H,Hw) - See Adair County  
DAVIESS COUNTY  
Decision #AQ-4122 (B)  
39 FR 20281 - 6/7/74  
(H,Hw) - See Allen County  
(D) - See Boone County  
EDMONSON COUNTY  
(H,Hw) - See Allen County  
ELLIOTT COUNTY  
(H,Hw) - See Anderson County  
ESTILL COUNTY  
(H,Hw) - See Adair County

## KENTUCKY

ADAIR COUNTY  
Decision #AR-4054 (H,Hw)  
39 FR 39697 - 11/8/74  
Mod. #1 - 39 FR 44907 - 12/27/74  
Mod. #2 - 40 FR 3025 - 1/17/75  
Mod. #3 - 40 FR 22734 - 5/23/75  
ALLEN COUNTY  
Decision #AR-4053 - (H,Hw)  
39 FR 39694 - 11/8/74  
Mod. #1 - 40 FR 3085 - 1/17/75  
Mod. #2 - 40 FR 22733 - 5/23/75  
ANDERSON COUNTY  
Decision #AR-4055 (H,Hw)  
39 FR 39700 - 11/8/74  
Mod. #1 - 40 FR 3086 - 1/17/75  
Mod. #2 - 40 FR 22734 - 5/23/75  
BALLARD COUNTY  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
(H,Hw) - See Allen County  
BARREN COUNTY  
(H,Hw) - See Adair County  
BATH COUNTY  
(H,Hw) - See Anderson County  
Decision #AQ-4066 (R)  
39 FR 4305 - 2/1/74  
BELL COUNTY  
(H,Hw) - See Adair County  
Decision #AQ-4126 (B)  
39 FR 22359 - 6/21/74  
BOONE COUNTY  
Decision #AR-4056 (H,Hw)  
39 FR 39703 - 11/8/74  
Mod. #1 - 40 FR 3082 - 1/17/75  
Mod. #2 - 40 FR 4786 - 1/31/75  
Decision #AR-4034 (B)  
39 FR 33158 - 9/13/74  
Mod. #1 - 40 FR 10877 - 3/7/75  
Decision #IL75-2036 (D)  
40 FR 6023 - 2/7/75  
BOURBON COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
BOYD COUNTY  
Decision #AR-4047 (B)  
39 FR 38824 - 11/1/74  
Mod. #1 - 40 FR 10878 - 3/7/75  
Mod. #2 - 40 FR 19327 - 5/2/75  
(H,Hw) - See Anderson County  
(D) - See Boone County  
BOYLE COUNTY  
(H,Hw) - See Anderson County  
BRACKEN COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
BREATHITT COUNTY  
Decision #AQ-4076 (H,Hw)  
39 FR 5987 - 2/15/74  
Mod. #1 - 39 FR 8102 - 3/1/74

## KANSAS (Cont'd.)

SHERIDAN COUNTY  
(Hw, W&S) - See Barber County  
SHERMAN COUNTY  
(Hw, W&S) - See Barber County  
SMITH COUNTY  
(Hw, W&S) - See Barber County  
STAFFORD COUNTY  
(Hw, W&S) - See Barber County  
STANTON COUNTY  
(Hw, W&S) - See Barber County  
STEVENS COUNTY  
(Hw, W&S) - See Barber County  
SUNNER COUNTY  
(Hw, W&S) - See Allen County  
THOMAS COUNTY  
(Hw, W&S) - See Barber County  
TREGO COUNTY  
(Hw, W&S) - See Barber County  
WABAUNSEE COUNTY  
(Hw, W&S) - See Allen County  
WALLACE COUNTY  
(Hw, W&S) - See Barber County  
WASHINGTON COUNTY  
(Hw, W&S) - See Allen County  
WICHITA COUNTY  
(Hw, W&S) - See Barber County  
WILSON COUNTY  
(Hw, W&S) - See Allen County  
WOODSON COUNTY  
(Hw, W&S) - See Allen County  
WYANDOTTE COUNTY  
(B,H,Hw,R) - See Johnson County  
(D) - See Atchison County

## KANSAS (Cont'd.)

RENO COUNTY  
(Hw, W&S) - See Allen County  
REPUBLIC COUNTY  
(Hw, W&S) - See Allen County  
RICE COUNTY  
(Hw, W&S) - See Barber County  
RILEY COUNTY  
(Hw, W&S) - See Allen County  
(R) - See Geary County  
ROOKS COUNTY  
(Hw, W&S) - See Barber County  
RUSH COUNTY  
(Hw, W&S) - See Barber County  
RUSSELL COUNTY  
(Hw, W&S) - See Barber County  
SALINE COUNTY  
(Hw, W&S) - See Allen County  
SCOTT COUNTY  
(Hw, W&S) - See Barber County  
SEDMICK COUNTY  
Decision #AP-533 (R)  
38 FR 16573 - 6/22/73  
Decision #KS75-4065 (B)  
40 FR 12048 - 3/14/75  
Mod. #1 - 40 FR 15272 - 4/4/75  
Decision #KS75-4052 (Hw, W&S)  
40 FR 6057 - 2/7/75  
Mod. #1 - 40 FR 7775 - 2/21/75  
SEWARD COUNTY  
(Hw, W&S) - See Barber County  
SHAWNEE COUNTY  
Decision #KS75-4062 (B)  
40 FR 12038 - 3/14/75  
Mod. #1 - 40 FR 15271 - 4/4/75  
Decision #KS75-4064 (R)  
40 FR 12045 - 3/14/75  
Mod. #1 - 40 FR 15272 - 4/4/75  
(Hw) - See Douglas County



## KENTUCKY (Cont'd)

FAYETTE COUNTY  
Decision #AR-4018 (B)  
39 FR 28836 - 8/9/74  
Mod. #1 - 39 FR 32442 - 9/6/74  
Mod. #2 - 39 FR 40406 - 11/15/74  
Mod. #3 - 40 FR 10875 - 3/7/75  
(H,Hw) - See Anderson County  
(R) - See Bath County  
FLEMING COUNTY  
(H,Hw) - See Anderson County  
FLOYD COUNTY  
Decision #AR-4002 (B)  
39 FR 24777 - 7/5/74  
(H,Hw) - See Adair County  
FRANKLIN COUNTY  
Decision #AQ-4101 (B)  
39 FR 14113 - 4/19/74  
Mod. #1 - 39 FR 30665 - 8/23/74  
Mod. #2 - 39 FR 38303 - 11/1/74  
Mod. #3 - 40 FR 10879 - 3/7/75  
(H,Hw) - See Anderson County  
FULTON COUNTY  
(D) - See Ballard County  
(H,Hw) - See Allen County  
GALLATIN COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
GARRARD COUNTY  
(H,Hw) - See Adair County  
GRANT COUNTY  
(H,Hw) - See Anderson County  
GRAVES COUNTY  
(H,Hw) - See Allen County  
GRAYSON COUNTY  
(H,Hw) - See Anderson County  
GREENE COUNTY  
(H,Hw) - See Adair County  
GREENUP COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
HANCOCK COUNTY  
(H,Hw) - See Allen County  
(D) - See Boone County

## KENTUCKY (Cont'd)

HARDIN COUNTY  
(B) - See Jefferson County  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
(D) - See Boone County  
HARLAN COUNTY  
(H,Hw) - See Adair County  
HARRISON COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
HART COUNTY  
(H,Hw) - See Adair County  
HENRISON COUNTY  
Decision #AR-4025 (B)  
39 FR 31796 - 8/30/74  
Mod. #1 - 40 FR 10877 - 3/7/75  
(H,Hw) - See Allen County  
(D) - See Boone County  
HENRY COUNTY  
(H,Hw) - See Anderson County  
HICKMAN COUNTY  
(D) - See Ballard County  
(H,Hw) - See Allen County  
HOPKINS COUNTY  
(H,Hw) - See Allen County  
JACKSON COUNTY  
(H,Hw) - See Adair County  
JEFFERSON COUNTY  
Decision #AR-4016 (B)  
39 FR 28833 - 8/9/74  
Mod. #1 - 39 FR 38803 - 11/1/74  
Mod. #2 - 40 FR 10875 - 3/7/75  
(D) - See Boone County  
(R) - See Breckinridge County  
(H,Hw) - See Anderson County  
JESSAMINE COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County

## KENTUCKY (Cont'd)

JOHNSON COUNTY  
(H,Hw) - See Anderson County  
KENTON COUNTY  
(B,H,Hw,D) - See Boone County  
KNOTT COUNTY  
(H,Hw) - See Adair County  
KNOX COUNTY  
(H,Hw) - See Adair County  
LARUE COUNTY  
(H,Hw) - See Anderson County  
LAUREL COUNTY  
(H,Hw) - See Adair County  
LAWRENCE COUNTY  
(H,Hw) - See Johnson County  
LEE COUNTY  
(H,Hw) - See Adair County  
LESLIE COUNTY  
(H,Hw) - See Adair County  
LETCHER COUNTY  
(H,Hw) - See Adair County  
LEWIS COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
LINCOLN COUNTY  
(H,Hw) - See Adair County  
LIVINGSTON COUNTY  
(H,Hw) - See Allen County  
(D) - See Boone County  
LOGAN COUNTY  
(H,Hw) - See Allen County  
LYON COUNTY  
(H,Hw) - See Allen County  
McCRACKEN COUNTY  
Decision #AR-4014 (B)  
39 FR 28044 - 8/2/74  
Mod. #1 - 39 FR 30665 - 8/23/74  
Mod. #2 - 39 FR 40406 - 11/15/74  
Mod. #3 - 40 FR 10874 - 3/7/75  
Mod. #4 - 40 FR 19387 - 5/2/75  
(D) - See Boone County  
(H,Hw) - See Allen County

## KENTUCKY (Cont'd)

McCREARY COUNTY  
(H,Hw) - See Adair County  
McLEAN COUNTY  
(H,Hw) - See Allen County  
MADISON COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
MAGOFFIN COUNTY  
(H,Hw) - See Adair County  
MARION COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
MARSHALL COUNTY  
(H,Hw) - See Allen County  
MARTIN COUNTY  
(H,Hw) - See Adair County  
MASON COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
MEADE COUNTY  
(H,Hw) - See Anderson County  
(B) - See Jefferson County  
(R) - See Breckinridge County  
(D) - See Boone County  
MENIFFE COUNTY  
(H,Hw) - See Adair County  
MERCER COUNTY  
(H,Hw) - See Anderson County  
METCALFE COUNTY  
(H,Hw) - See Adair County  
MONROE COUNTY  
(H,Hw) - See Adair County  
MONTGOMERY COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
MORGAN COUNTY  
(H,Hw) - See Anderson County  
MUHLENBERG COUNTY  
(H,Hw) - See Allen County



# KENTUCKY (Cont'd)

NELSON COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
NICHOLAS COUNTY  
(H,Hw) - See Anderson County  
OHIO COUNTY  
(H,Hw) - See Allen County  
OLDHAM COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
(D) - See Boone County  
OWEN COUNTY  
(H,Hw) - See Anderson County  
OWSLEY COUNTY  
(H,Hw) - See Adair County  
PENDLETON COUNTY  
(B)(D) - See Boone County  
PERRY COUNTY  
(H,Hw) - See Adair County  
PIKE COUNTY  
(B) - See Floyd County  
(H,Hw) - See Adair County  
POWELL COUNTY  
(H,Hw) - See Adair County  
PULASKI COUNTY  
(H,Hw) - See Adair County  
ROBERTSON COUNTY  
(H,Hw) - See Anderson County  
ROCKCASTLE COUNTY  
(H,Hw) - See Adair County  
ROMAN COUNTY  
(H,Hw) - See Anderson County  
RUSSELL COUNTY  
(H,Hw) - See Adair County  
SCOTT COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County  
SHELBY COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County

# KENTUCKY (Cont'd.)

SIMPSON COUNTY  
(H,Hw) - See Allen County  
SPENCER COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
TAYLOR COUNTY  
(H,Hw) - See Allen County  
TODD COUNTY  
(H,Hw) - See Allen County  
TRIGG COUNTY  
(H,Hw) - See Allen County  
TRIMBLE COUNTY  
(H,Hw) - See Anderson County  
(D) - See Boone County  
UNION COUNTY  
(H,Hw) - See Allen County  
(D) - See Boone County  
WARREN COUNTY  
Decision #AR-4023 (B)  
39 FR 32449 - 9/6/74  
Mod. #1 - 40 FR 10876 - 3/7/75  
(H,Hw) - See Allen County  
WASHINGTON COUNTY  
(H,Hw) - See Anderson County  
(R) - See Breckinridge County  
WAYNE COUNTY  
(H,Hw) - See Adair County  
WEBSTER COUNTY  
(H,Hw) - See Allen County  
WHITLEY COUNTY  
(H,Hw) - See Adair County  
WOLFE COUNTY  
(H,Hw) - See Adair County  
WOODFORD COUNTY  
(H,Hw) - See Anderson County  
(R) - See Bath County

# LOUISIANA

STATEWIDE  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
Decision #LA75-4100 (B,Hw,R)  
40 FR 22745 - 5/23/75  
ACADIA PARISH  
(B,D,Hw) - See Statewide  
Decision #AR-5032 (F)  
40 FR 8706 - 2/28/75  
ALLEN PARISH  
(F) - See Acadia Parish  
(D,B,Hw) - See Statewide  
ASCENSION PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ASSUMPTION PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
AVOUELLES PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
BEAUREGARD PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
BIENVILLE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
BOSSIER PARISH  
(F) - See Acadia Parish  
(B,D,Hw,R) - See Statewide  
CADDO PARISH  
(D,Hw,B,R) - See Statewide  
CALCASIEU PARISH  
(F) - See Acadia Parish  
(B,R,D,Hw) - See Statewide

# LOUISIANA (Cont'd)

CALDWELL PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
CAMERON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
CATAHOULA PARISH  
(F) - See Acadia Parish  
(D,B,Hw) - See Statewide  
CLAIBORNE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
CONCORDIA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
DE SOTO PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
EAST BATON ROUGE PARISH  
(B,D,Hw) - See Statewide  
EAST CARROLL PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
EAST FELICIANA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
EVANGELINE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
FRANKLIN PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
GRANT PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
IBERIA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide



IBERVILLE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
JACKSON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
JEFFERSON PARISH  
Decision #AR-3 (R)  
39 FR 25777 - 7/12/74  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
JEFFERSON DAVIS PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
LAFAYETTE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
LAFURCHE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
LA SALLE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
LINCOLN PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
LIVINGSTON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
MADISON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
MOREHOUSE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
NATCHITOCHES PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ORLEANS PARISH  
(B,D,Hw) - See Statewide  
(R) - See Jefferson Parish  
QUACHITA PARISH  
Decision #AQ-116 (R)  
39 FR 22397 - 6/21/74  
(B,D,Hw) - See Statewide

PLAQUEMINES PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
(R) - See Jefferson Parish  
POINTE COUPEE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
RAPIDES PARISH  
(B,D,Hw) - See Statewide  
RED RIVER PARISH  
(B,D,Hw) - See Statewide  
(F) - See Acadia Parish  
RICHLAND PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
SABINE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. BERNARD PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
(R) - See Jefferson Parish  
ST. CHARLES PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. HELENA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. JAMES PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. JOHN THE BAPTIST PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. LANDRY PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. MARTIN PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
ST. MARY PARISH  
(F) - See Acadia Parish  
(B,D) - See Statewide

ST. TAMMANY PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
TANGIPAHOA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
TENSAS PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
TERREBONNE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
UNION PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
VERMILION PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
VERNON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WASHINGTON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEBSTER PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST BATON ROUGE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST CARROLL PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST FELICIANA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WINN PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide

ANDROSCOGGIN COUNTY  
None  
AROSTOOK COUNTY  
None  
CUMBERLAND COUNTY  
Decision #CT175-5D45 (D)  
4D FR 15294 - 4/4/75  
FRANKLIN COUNTY  
None  
HANCOCK COUNTY  
(D) - See Cumberland County  
KENNEBEC COUNTY  
None  
KNOX COUNTY  
(D) - See Cumberland County  
LINCOLN COUNTY  
(D) - See Cumberland County  
OXFORD COUNTY  
None  
PENOBSCOT COUNTY  
None  
PISCATAQUIS COUNTY  
None  
SAGadahoc COUNTY  
(D) - See Cumberland County  
SOMERSET COUNTY  
None  
WALDO COUNTY  
(D) - See Cumberland County  
WASHINGTON COUNTY  
(D) - See Cumberland County  
YORK COUNTY  
(D) - See Cumberland County



MARYLAND

ALLEGANY COUNTY  
Decision #AR-2091 (B)  
39 FR 41651 - 11/29/74  
Mod. #1 - 40 FR 928 - 1/3/75  
Decision #AR-2084 (H,Hw)  
39 FR 41125 - 11/22/74  
ANNE ARUNDEL COUNTY  
Decision #MD75-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
Decision #AR-2086 (B,H)  
39 FR 41127 - 11/22/74  
Mod. #1 - 40 FR 928 - 1/3/75  
Mod. #2 - 40 FR 14204 - 3/28/75  
Mod. #3 - 40 FR 17460 - 4/18/75  
Decision #AR-2085 (Hw)  
39 FR 41100 - 11/22/74  
BALTIMORE CITY  
Decision #AR-2053 (Hw)  
39 FR 34905 - 9/27/74  
Mod. #1 - 40 FR 928 - 1/3/75  
Mod. #2 - 40 FR 1679 - 4/11/75  
Mod. #3 - 40 FR 24455 - 6/6/75  
Decision #AR-2093 (B,H)  
39 FR 44162 - 12/20/74  
Mod. #1 - 40 FR 928 - 1/3/75  
Mod. #2 - 40 FR 14204 - 3/28/75  
Mod. #3 - 40 FR 17461 - 4/18/75  
Decision #AQ-2072 (R)  
39 FR 8122 - 3/1/74  
Decision #CT75-5045 (D)  
40 FR 15294 - 4/4/75  
BALTIMORE COUNTY  
Decision #AR-2052 (Hw)  
39 FR 34904 - 9/27/74  
(B,H,R) - See Baltimore City  
CALVERT COUNTY  
(D,Hw) - See Anne Arundel County  
CAROLINE COUNTY  
Decision #MD75-3052 (Hw)  
40 FR 20555 - 5/9/75  
(Hw) - See Anne Arundel County  
CARROLL COUNTY  
(Hw) - See Anne Arundel County  
CECIL COUNTY  
(Hw) - See Caroline County  
(R) - See Baltimore County  
CHARLES COUNTY  
(D,Hw) - See Anne Arundel County  
DORCHESTER COUNTY  
(Hw) - See Caroline County  
(O) - See Anne Arundel County  
FREDERICK COUNTY  
Decision #AQ-2076 (R)  
39 FR 10069 - 3/15/74  
Mod. #1 - 40 FR 15272 - 4/4/75  
(Hw) - See Anne Arundel County  
GARRETT COUNTY  
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY  
(B,H,R) - See Baltimore City  
(Hw) - See Anne Arundel County  
HOWARD COUNTY  
(B,H) - See Baltimore City  
(R) - See Baltimore County  
(Hw) - See Anne Arundel City  
KENT COUNTY  
(Hw) - See Caroline County  
(D) - See Arundel County  
MONTGOMERY COUNTY  
Decision #MD75-3003 (B)  
40 FR 937 - 1/3/75  
(Hw) - See Anne Arundel County  
PRINCE GEORGES COUNTY  
(B) - See Montgomery County  
(D,Hw) - See Anne Arundel County  
QUEEN ANNES COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
ST. MARYS COUNTY  
(D,Hw) - See Anne Arundel County  
SOMERSET COUNTY  
(Hw) - See Caroline County  
(O) - See Anne Arundel County  
TALBOT COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
WASHINGTON COUNTY  
(Hw) - See Anne Arundel County  
WICOMICO COUNTY  
Decision #AQ-2075 (R)  
39 FR 10068 - 3/15/74  
Mod. #1 - 39 FR 14849 - 4/26/74  
(O) - See Anne Arundel County  
(Hw) - See Caroline County  
WORCESTER COUNTY  
(O) - See Baltimore County  
Decision #AR-2012 (B)  
39 FR 27991 - 8/2/74  
(Hw) - See Caroline County

MASSACHUSETTS

BARNSTABLE COUNTY  
Decision #MA75-2069 (B,H,Hw, & Marine)  
40 FR 20557 - 5/9/75  
Decision #CT75-5045 (D)  
40 FR 15294 - 4/4/75  
BERKSHIRE COUNTY  
Decision #MA75-2070 (B,H,Hw)  
40 FR 20581 - 5/9/75  
BRISTOL COUNTY  
Decision #MA75-2071 (B,H,Hw,R, & Marine)  
40 FR 19335 - 5/2/75  
(D) - See Barnstable County  
DUKES COUNTY  
(D) - See Barnstable County  
ESSEX COUNTY  
Decision #MA75-2072 (B,H,Hw, & Marine)  
40 FR 18305 - 4/25/75  
(D) - See Barnstable County  
FRANKLIN COUNTY  
Decision #MA75-2006 (B,H,Hw)  
40 FR 3112 - 1/17/75  
Mod. #1 - 40 FR 7777 - 2/21/75  
Mod. #2 - 40 FR 18277 - 4/25/75  
HAMPDEN COUNTY  
Decision #MA75-2053 (B,H,Hw)  
40 FR 12051 - 3/14/75  
Mod. #1 - 40 FR 19327 - 5/2/75  
Decision #MA75-2054 (R)  
40 FR 15297 - 4/4/75  
HAMPSHIRE COUNTY  
Decision #MA75-2008 (B,H,Hw)  
40 FR 3121 - 1/17/75  
Mod. #1 - 40 FR 7778 - 2/21/75  
Mod. #2 - 40 FR 19327 - 5/2/75  
MIDDLESEX COUNTY  
Decision #MA75-2073 (B,H,Hw,R, & Marine)  
40 FR 19340 - 5/2/75  
(D) - See Barnstable County  
NANTUCKET COUNTY  
(D) - See Barnstable County  
NORFOLK COUNTY  
Decision #MA75-2074 (B,H,Hw,R)  
40 FR 20586 - 5/9/75  
(D) - See Barnstable County

MASSACHUSETTS

PLYMOUTH COUNTY  
Decision #MA75-2075 (B,H,Hw,R)  
40 FR 20590 - 5/9/75  
SUFFOLK COUNTY  
Decision #MA75-2076 (B,H,Hw,D,R,  
& Marine)  
40 FR 20595 - 5/9/75  
Mod. #1 - 40 FR 23630 - 5/30/75  
WORCESTER COUNTY  
Decision #MA75-2077 (B,H,Hw,R)  
40 FR 21660 - 5/16/75



## STATEWIDE

Decision #AR-3141 (Hw, W&S)  
39 FR 30765 - 8/23/74  
Mod. #1 - 39 FR 41109 - 11/22/74  
Mod. #2 - 39 FR 41653 - 11/29/74  
Mod. #3 - 40 FR 10879 - 3/7/75  
Mod. #4 - 40 FR 16479 - 4/11/75  
ALCONA COUNTY  
Decision #IL75-5051 (D)  
40 FR 16529 - 4/11/75  
(Hw, W&S) - See Statewide  
(B,H) - See Alpena County  
ALGER COUNTY  
Decision #AR-3177 (B,H)  
39 FR 44164 - 12/20/74  
Mod. #1 - 40 FR 929 - 1/3/75  
Mod. #2 - 40 FR 8895 - 2/28/75  
Mod. #3 - 40 FR 22745 - 5/23/75  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## ALLEGAN COUNTY

Decision #AR-3102 (B,H)  
39 FR 29784 - 8/16/74  
Mod. #1 - 39 FR 33152 - 9/13/74  
Mod. #2 - 39 FR 33911 - 9/20/74  
Mod. #3 - 39 FR 34920 - 9/27/74  
Mod. #4 - 40 FR 7781 - 2/21/75  
Decision #AM-398 (R)  
36 FR 15891 - 8/18/71  
(Hw, W&S) - See Statewide  
(D) - See Alcona County

## ALPENA COUNTY

Decision #AR-3150 (B,H)  
39 FR 36759 - 10/11/74  
Mod. #1 - 40 FR 7795 - 2/21/75  
Mod. #2 - 40 FR 15272 - 4/4/75  
(Hw, W&S) - See Statewide

## ANTRIM COUNTY

(D) - See Alcona County  
(Hw, W&S) - See Statewide

## ARENAC COUNTY

(D) - See Alcona County  
(Hw, W&S) - See Statewide

## BARAGA COUNTY

(B,H) - See Alger County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## BARRY COUNTY

(Hw, W&S) - See Statewide

## BAY COUNTY

(D) - See Alcona County

## BENZIE COUNTY

(Hw, W&S) - See Statewide  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## BERRIEN COUNTY

Decision #AR-3164 (B,H)  
39 FR 37338 - 10/18/74  
Mod. #1 - 40 FR 7796 - 2/21/75  
Decision #AM-399 (R)  
36 FR 15892 - 8/18/71  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
BRANCH COUNTY  
Decision #AM-401 (R)  
36 FR 15894 - 8/18/71  
(Hw, W&S) - See Statewide

## CALHOUN COUNTY

Decision #AR-3106 (B,H)  
39 FR 29797 - 8/16/74  
Mod. #1 - 39 FR 33154 - 9/13/74  
Mod. #2 - 39 FR 33912 - 9/20/74  
Mod. #3 - 39 FR 34922 - 9/27/74  
Decision #AM-400 (R)  
36 FR 15892 - 8/18/71  
(Hw, W&S) - See Statewide

## CASS COUNTY

(Hw, W&S) - See Statewide  
(R) - See Branch County

## CHARLEVOIX COUNTY

Decision #MI75-2049 (B,H)  
40 FR 17508 - 4/18/75  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## CHEBOYGAN COUNTY

(D) - See Alcona County  
(Hw, W&S) - See Statewide

## CHIPPEWA COUNTY

(B,H) - See Alger County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## CLARE COUNTY

(Hw, W&S) - See Statewide

## CLINTON COUNTY

(Hw, W&S) - See Statewide  
CRAWFORD COUNTY  
(Hw, W&S) - See Statewide

## DELTA COUNTY

(D) - See Alcona County  
(Hw, W&S) - See Statewide  
DICKINSON COUNTY  
(Hw, W&S) - See Statewide  
EATON COUNTY  
Decision #AM-8041 (R)  
36 FR 24027 - 12/17/71  
(Hw, W&S) - See Statewide

## EMMET COUNTY

(B,H) - See Charlevoix County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## GENESEE COUNTY

Decision #MI75-2061 (B,H)  
40 FR 17511 - 4/18/75  
Mod. #1 - 40 FR 19328 - 5/2/75  
Decision #MI75-2062 (R)  
40 FR 17515 - 4/18/75  
(Hw, W&S) - See Statewide

## GLADWIN COUNTY

(Hw, W&S) - See Statewide

## GOGEBIC COUNTY

(B,H) - See Alger County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## GRAND TRAVERSE COUNTY

(B,H) - See Charlevoix County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## GRATIOT COUNTY

(Hw, W&S) - See Statewide  
HILLSDALE COUNTY  
(Hw, W&S) - See Statewide

## HOUGHTON COUNTY

(B,H) - See Alger County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## HURON COUNTY

(B,H) - See Genesee County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide

## INGHAM COUNTY

Decision #AR-3113 (B,H)  
39 FR 29820 - 8/16/74  
Mod. #1 - 39 FR 33154 - 9/13/74  
Mod. #2 - 39 FR 33914 - 9/20/74  
Mod. #3 - 39 FR 35910 - 10/4/74  
Mod. #4 - 40 FR 7787 - 2/21/75  
(Hw, W&S) - See Statewide  
(R) - See Eaton County

## IONIA COUNTY

(Hw, W&S) - See Statewide  
IOSCO COUNTY  
(Hw, W&S) - See Statewide  
(D) - See Alcona County  
IRON COUNTY  
(Hw, W&S) - See Statewide

## ISABELLA COUNTY

(Hw, W&S) - See Statewide  
JACKSON COUNTY  
(Hw, W&S) - See Statewide

## KALAMAZOO COUNTY

Decision #AR-3114 (B,H)  
39 FR 29823 - 8/16/74  
Mod. #1-39 FR 33914 - 9/20/74  
Mod. #2-39 FR 35910 - 10/4/74  
Mod. #3-40 FR 7788 - 2/21/75  
(Hw, W&S) - See Statewide  
(R) - See Branch County

## KALKASKA COUNTY

(Hw, W&S) - See Statewide  
KENT COUNTY  
Decision #AR-3054 (B,H)  
39 FR 25858 - 7/12/74  
Mod. #1 - 39 FR 33155 - 9/13/74  
Mod. #2 - 39 FR 34920 - 9/27/74  
Mod. #3 - 40 FR 3862 - 1/24/75  
Decision #AM-402 (R)  
36 FR 15895 - 8/18/71  
(Hw, W&S) - See Statewide

## KEMENAW COUNTY

(B,H) - See Alger County  
(Hw, W&S) - See Statewide  
LAKE COUNTY  
(Hw, W&S) - See Statewide

## LAPEER COUNTY

(B,H) - See Genesee County  
(Hw, W&S) - See Statewide

## LEELANAU COUNTY

(Hw, W&S) - See Statewide  
(Hw, W&S) - See Statewide

## LANA WEE COUNTY

(Hw, W&S) - See Statewide  
LIVINGSTON COUNTY  
(Hw, W&S) - See Statewide

## LUCE COUNTY

(D) - See Alcona County  
(Hw, W&S) - See Statewide  
MACKINAC COUNTY  
(B,H) - See Alger County  
(Hw, W&S) - See Statewide

## MACOMB COUNTY

(B,H,R) - See Wastenhaw County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide



## MINNESOTA (Cont'd.)

## MINNESOTA (Cont'd.)

## MINNESOTA

## MINNESOTA (Cont'd.)

- MANISTEE COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
MARQUETTE COUNTY  
Decision #AR-3178 (R)  
39 FR 44166 - 12/20/74  
Mod. #1 - 40 FR 22734 - 5/23/75  
(B, H) - See Alger County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
MASON COUNTY  
(B, H) - See Charlevoix County  
(D) - See Alcona County  
MECOSTA COUNTY  
(Hw, W&S) - See Statewide  
JENOMINEE COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
MIDLAND COUNTY  
(Hw, W&S) - See Statewide  
MISSAUKEE COUNTY  
(Hw, W&S) - See Statewide  
MONROE COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
MONTCALM COUNTY  
(R) - See Kent County  
(Hw, W&S) - See Statewide  
MONTMORENCY COUNTY  
(B, H) - See Alpena County  
(Hw, W&S) - See Statewide  
MUSKEGON COUNTY  
Decision #AR-3117 (B, H)  
39 FR 29833 - 8/16/74  
Mod. #1 - 39 FR 33915 - 9/20/74  
Mod. #2 - 39 FR 35912 - 10/4/74  
Mod. #3 - 39 FR 36716 - 10/11/74  
Mod. #4 - 40 FR 7790 - 2/21/75  
Decision #AM-403 (R)  
36 FR 15896 - 8/18/71  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
NEWAYGO COUNTY  
(Hw, W&S) - See Statewide  
OAKLAND COUNTY  
(B, H, R) - See Macomb County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
OCEANA COUNTY  
(B, H, R) - See Muskegon County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
OGEMAW COUNTY  
(Hw, W&S) - See Statewide  
ONTONAGON COUNTY  
(B, H) - See Baraga County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide
- OSCEOLA COUNTY  
(Hw, W&S) - See Statewide  
OSCODA COUNTY  
(B, H) - See Alpena County  
(Hw, W&S) - See Statewide  
OTSEGO COUNTY  
(Hw, W&S) - See Statewide  
OTTAWA COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
(R) - See Allegan County  
PRESQUE ISLE COUNTY  
(B, H) - See Alpena County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
ROSOSCOMMON COUNTY  
(Hw, W&S) - See Statewide  
SAGINAW COUNTY  
(B, H, R) - See Genesee County  
(Hw, W&S) - See Statewide  
SAINT CLAIR COUNTY  
(B, H, R) - See Genesee County  
(Hw, W&S) - See Statewide  
SAINT JOSEPH COUNTY  
(Hw, W&S) - See Statewide  
(R) - See Branch County  
SANTILAC COUNTY  
(B, H) - See Saint Clair County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
SCHOOLCRAFT COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
SHTAWASSEE COUNTY  
(B, H) - See Genesee County  
(Hw, W&S) - See Statewide  
TUSCOLA COUNTY  
(B, H) - See Saginaw County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
VAN BUREN COUNTY  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
WASHTENAW COUNTY  
Decision #MI75-2063 (B, H, R)  
40 FR 19345 - 5/2/75  
WAYNE COUNTY  
(B, H, R) - See Macomb County  
(D) - See Alcona County  
(Hw, W&S) - See Statewide  
WEXFORD COUNTY  
(Hw, W&S) - See Statewide
- AITKIN COUNTY  
Decision #MN75-206B (H, Hw)  
40 FR 19349 - 5/2/75  
ANOKA COUNTY  
Decision #AR-3166 (B, R)  
39 FR 39705 - 11/8/74  
Mod. #1 - 40 FR 12007 - 3/14/75  
Mod. #2 - 40 FR 17461 - 4/18/75  
Mod. #3 - 40 FR 22734 - 5/23/75  
(H, Hw) - See Aitkin County  
BECKER COUNTY  
Decision #AQ-3104 (H, Hw)  
39 FR 9369 - 3/8/74  
BELTRAMI COUNTY  
Decision #AR-3147 (H, Hw)  
39 FR 36704 - 10/11/74  
BENTON COUNTY  
(H, Hw) - See Aitkin County  
BIG STONE COUNTY  
Decision #AQ-3105 (H, Hw)  
39 FR 9370 - 3/8/74  
BLUE EARTH COUNTY  
(H, Hw) - See Aitkin County  
BROWN COUNTY  
None  
CARLTON COUNTY  
(H, Hw) - See Aitkin County  
CARVER COUNTY  
(B, R) - See Anoka County  
(H, Hw) - See Aitkin County  
CASS COUNTY  
(Hw) - See Becker County  
CHIPPEWA COUNTY  
(Hw) - See Big Stone County  
CHISAGO COUNTY  
(H, Hw) - See Aitkin County  
CLAY COUNTY  
(Hw) - See Becker County  
CLEAR WATER COUNTY  
(H, Hw) - See Beltrami County  
COOK COUNTY  
Decision #IL75-5051 (D)  
40 FR 16529 - 4/11/75  
(H, Hw) - See Aitkin County  
COTTONWOOD COUNTY  
Decision #AQ-3134 (H, Hw)  
39 FR 935 - 3/8/74  
CROW WING COUNTY  
(H, Hw) - See Aitkin County  
DAKOTA COUNTY  
(B, R) - See Anoka County  
(H, Hw) - See Aitkin County
- DODGE COUNTY  
(H, Hw) - See Aitkin County  
DOUGLAS COUNTY  
(H, Hw) - See Big Stone County  
FAIRBULT COUNTY  
(H, Hw) - See Aitkin County  
FILLMORE COUNTY  
(H, Hw) - See Aitkin County  
FREEBORN COUNTY  
(H, Hw) - See Aitkin County  
GOODHUE COUNTY  
(H, Hw) - See Aitkin County  
GRANT COUNTY  
(H, Hw) - See Big Stone County  
HENNEPIN COUNTY  
(B, R) - See Anoka County  
(H, Hw) - See Aitkin County  
HOUSTON COUNTY  
(H, Hw) - See Aitkin County  
HUBBARD COUNTY  
(H, Hw) - See Becker County  
ISANTI COUNTY  
(H, Hw) - See Aitkin County  
ITASKA COUNTY  
(H, Hw) - See Aitkin County  
JACKSON COUNTY  
(H, Hw) - See Aitkin County  
KANABEC COUNTY  
(H, Hw) - See Aitkin County  
KANDIYOHI COUNTY  
(H, Hw) - See Big Stone County  
KITSON COUNTY  
(H, Hw) - See Beltrami County  
KOCHICHING COUNTY  
(H, Hw) - See Aitkin County  
LAC QUI PARLE COUNTY  
(H, Hw) - See Big Stone County  
LAKE COUNTY  
(H, Hw) - See Aitkin County  
(D) - See Cook County  
LAKE OF THE WOODS COUNTY  
(H, Hw) - See Beltrami County  
LE SHUEUR COUNTY  
(H, Hw) - See Aitkin County  
LINCOLN COUNTY  
(H, Hw) - See Cottonwood County



## MISSISSIPPI (cont'd)

CLAY COUNTY  
(Hw, W&S) - See Statewide  
COAHOMA COUNTY  
Decision #AR-4024 (R)  
39 FR 31771 - 8/30/74  
Mod. #1 - 40 FR 3086 - 1/17/75  
(D, F, Hw, W&S) - See Statewide  
COPIAH COUNTY  
Decision #AQ-4120 (R)  
39 FR 20302 - 6/7/74  
(D, F, Hw, W&S) - See Statewide  
COVINGTON COUNTY  
(D, Hw, F, W&S) - See Statewide  
DE SOTO COUNTY  
(D, F, Hw, W&S) - See Statewide  
FORREST COUNTY  
Decision #MS75-1007 (R)  
40 FR 3147 - 1/17/75  
Decision #MS75-1020 (B)  
40 FR 5966 - 2/7/75  
Mod. #1 - 40 FR 7798 - 2/21/75  
(D, F, Hw, W&S) - See Statewide  
FRANKLIN COUNTY  
(D, F, Hw, W&S) - See Statewide  
GEORGE COUNTY  
Decision #AP-174 (R)  
38 FR 10584 - 4/27/74  
Mod. #1 - 39 FR 8102 - 3/1/74  
(D, F, Hw, W&S) - See Statewide  
GREENE COUNTY  
(D, F, Hw, W&S) - See Statewide  
GRENADA COUNTY  
(D, F, Hw, W&S) - See Statewide  
HANCOCK COUNTY  
Decision #MS75-1013 (B, H, Hw, W&S)  
40 FR 4854 - 1/31/75  
(D, F) - See Statewide  
(R) - See George County  
HARRISON COUNTY  
(B, H, Hw, W&S) - See Hancock County  
(R) - See George County  
(D, F) - See Statewide

## MISSISSIPPI

STATEWIDE  
Decision #AR-4013 (D)  
39 FR 27397 - 2/26/74  
Decision #AR75-5032 (F)  
40 FR 8706 - 2/28/75  
Decision #AR-4066 (Hw, W&S)  
39 FR 44167 - 12/20/74  
Mod. #1 - 40 FR 3086 - 1/17/75  
Mod. #2 - 40 FR 5977 - 2/7/75  
ADAMS COUNTY  
(D, F, Hw, W&S) - See Statewide  
ALCORN COUNTY  
(D, F, Hw, W&S) - See Statewide  
AMITE COUNTY  
(D, F, Hw, W&S) - See Statewide  
ATTALA COUNTY  
(D, F, Hw, W&S) - See Statewide  
BENTON COUNTY  
(D, F, Hw, W&S) - See Statewide  
BOLIVAR COUNTY  
(D, F, Hw, W&S) - See Statewide  
CALHOUN COUNTY  
(D, F, Hw, W&S) - See Statewide  
CARROLL COUNTY  
(D, F, Hw, W&S) - See Statewide  
CHICKASAW COUNTY  
(D, F, Hw, W&S) - See Statewide  
CHOCTAW COUNTY  
(D, F, Hw, W&S) - See Statewide  
CLAIBORNE COUNTY  
(D, F, Hw, W&S) - See Statewide  
CLARKE COUNTY  
(D, F, Hw, W&S) - See Statewide

## MINNESOTA (Cont'd.)

ROSEAU COUNTY  
(H, Hw) - See Beltrami County  
SAINT LOUIS COUNTY  
(D) - See Cook County  
Decision #MN75-2042 (B, R)  
40 FR 7837 - 2/21/75  
Mod. #1 - 40 FR 12007 - 3/14/75  
Mod. #2 - 40 FR 18278 - 4/25/75  
SCOTT COUNTY  
(H, Hw) - See Aitkin County  
(B, R) - See Anoka County  
SHERBURNE COUNTY  
(H, Hw) - See Aitkin County  
SIBLEY COUNTY  
(H, Hw) - See Aitkin County  
STEARNS COUNTY  
Decision #MN75-2059 (B, R)  
40 FR 16472 - 4/11/75  
Mod. #1 - 40 FR 18279 - 4/25/75  
(H, Hw) - See Aitkin County  
STEELE COUNTY  
(H, Hw) - See Aitkin County  
STEVENS COUNTY  
(H, Hw) - See Big Stone County  
SWIFT COUNTY  
(H, Hw) - See Big Stone County  
TODD COUNTY  
(Hw) - See Becker County  
TRAVERSE COUNTY  
(H, Hw) - See Big Stone County  
WABASHA COUNTY  
(H, Hw) - See Aitkin County  
WADENA COUNTY  
(H, Hw) - See Becker County  
WASECA COUNTY  
(H, Hw) - See Aitkin County  
WASHINGTON COUNTY  
(B, R) - See Anoka County  
(H, Hw) - See Aitkin County  
WATONWAN COUNTY  
None  
WILKIN COUNTY  
(H, Hw) - See Becker County  
WINONA COUNTY  
(H, Hw) - See Aitkin County  
WRIGHT COUNTY  
(H, Hw) - See Aitkin County  
YELLOW MEDICINE COUNTY  
(H, Hw) - See Cottonwood County

## MINNESOTA (Cont'd.)

LYON COUNTY  
(H, Hw) - See Cottonwood County  
MCLEOD COUNTY  
(H, Hw) - See Aitkin County  
MAHONEN COUNTY  
(H, Hw) - See Beltrami County  
MARSHALL COUNTY  
(H, Hw) - See Beltrami County  
MARTIN COUNTY  
(H, Hw) - See Aitkin County  
MEeker COUNTY  
(H, Hw) - See Aitkin County  
MILLE LACS COUNTY  
(H, Hw) - See Aitkin County  
MORRISON COUNTY  
(H, Hw) - See Aitkin County  
MOWER COUNTY  
(H, Hw) - See Aitkin County  
MURRAY COUNTY  
(H, Hw) - See Cottonwood County  
NICOLLET COUNTY  
(H, Hw) - See Aitkin County  
NOBLES COUNTY  
(H, Hw) - See Aitkin County  
NORMAN COUNTY  
(H, Hw) - See Beltrami County  
OLMSTED COUNTY  
Decision #MN75-2058 (B, R)  
40 FR 17454 - 4/18/75  
(H, Hw) - See Aitkin County  
OTTER TAIL COUNTY  
(H, Hw) - See Becker County  
PENNINGTON COUNTY  
(H, Hw) - See Beltrami County  
PINE COUNTY  
(H, Hw) - See Aitkin County  
PIPESTONE COUNTY  
(H, Hw) - See Cottonwood County  
POLK COUNTY  
(H, Hw) - See Beltrami County  
POPE COUNTY  
(H, Hw) - See Big Stone County  
RAMSEY COUNTY  
(B, R) - See Anoka County  
(H, Hw) - See Aitkin County  
RED LAKE COUNTY  
(H, Hw) - See Beltrami County  
REDWOOD COUNTY  
(H, Hw) - See Cottonwood County  
RENNVILLE COUNTY  
None  
RICE COUNTY  
(H, Hw) - See Aitkin County  
ROCK COUNTY  
(H, Hw) - See Aitkin County



MISSISSIPPI (Cont'd.)

## HINDS COUNTY

Decision #AR-4030 (B)  
39 FR 32454 - 9/6/74  
Mod. #1 - 39 FR 38806 - 11/1/74  
Mod. #2 - 39 FR 41658 - 11/29/74  
Mod. #3 - 40 FR 16479 - 4/11/75

(D,F,Hw, W&S) - See Statewide  
(R) - See Copiah County

## HOLMES COUNTY

(D,F,Hw, W&S) - See Statewide

## HUMPHREYS COUNTY

(D,F,Hw, W&S) - See Statewide

## ISSAQUEENA COUNTY

(D,F,Hw, W&S) - See Statewide

## ITAWAMBA COUNTY

(D,F,Hw, W&S) - See Statewide

## JACKSON COUNTY

(D,F) - See Statewide  
(B,H,Hw, W&S) - See Hancock County

## JASPER COUNTY

(R) - See George County

## JEFFERSON COUNTY

(D,F,Hw, W&S) - See Statewide

## JEFFERSON DAVIS COUNTY

(D,F,Hw, W&S) - See Statewide

## JONES COUNTY

(D,F,Hw, W&S) - See Statewide

## KEMPER COUNTY

(R) - See Forest County

## LAFAYETTE COUNTY

(D,F,Hw, W&S) - See Statewide

(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (cont'd.)

## LAMAR COUNTY

(D,F,Hw, W&S) - See Statewide

## LAUDERDALE COUNTY

(D,F,Hw, W&S) - See Statewide

## LAWRENCE COUNTY

(D,F,Hw, W&S) - See Statewide

## LEAKE COUNTY

(D,F,Hw, W&S) - See Statewide

## LEE COUNTY

(R) - See Copiah County

## LEFLORE COUNTY

(D,F,Hw, W&S) - See Statewide

## LINCOLN COUNTY

(D,F,Hw, W&S) - See Statewide

## LOWNDES COUNTY

(D,F,Hw, W&S) - See Statewide

## MADISON COUNTY

(D,F,Hw, W&S) - See Statewide

## MARION COUNTY

(R) - See Copiah County

## MARSHALL COUNTY

(D,F,Hw, W&S) - See Statewide

## MONROE COUNTY

(D,F,Hw, W&S) - See Statewide

## MONTGOMERY COUNTY

(D,F,Hw, W&S) - See Statewide

(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

## NESHOBIA COUNTY

(D,F,Hw, W&S) - See Statewide

## NEWTON COUNTY

(D,F,Hw, W&S) - See Statewide

## NOXUBEE COUNTY

(D,F,Hw, W&S) - See Statewide

## OKTIBBEHA COUNTY

(D,F,Hw, W&S) - See Statewide

## PANOLA COUNTY

(D,F,Hw, W&S) - See Statewide

## PEARL RIVER COUNTY

(D,F) - See Statewide

(B,H,Hw, W&S) - See Hancock County

(R) - See George County

## PERRY COUNTY

(D,F,Hw, W&S) - See Statewide

## PIKE COUNTY

(D,F,Hw, W&S) - See Statewide

## PONTOTOC COUNTY

(D,F,Hw, W&S) - See Statewide

## PRENTISS COUNTY

(D,F,Hw, W&S) - See Statewide

## QUITMAN COUNTY

(D,F,Hw, W&S) - See Statewide

## RANKIN COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See Copiah County

MISSISSIPPI (Cont'd.)

## SCOTT COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See Copiah County

## SHARKEY COUNTY

(D,F,Hw, W&S) - See Statewide

## SIMPSON COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See Copiah County

## SMITH COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See Copiah County

## STONE COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See George County

## SUNFLOWER COUNTY

(D,F,Hw, W&S) - See Statewide

(R) - See Coahoma County

## TALLAHATCHIE COUNTY

(D,F,Hw, W&S) - See Statewide

## TATE COUNTY

(D,F,Hw, W&S) - See Statewide

## TIPPAH COUNTY

(D,F,Hw, W&S) - See Statewide

(D,F,Hw, W&S) - See Statewide

## TISHOMINGO COUNTY

(D,F,Hw, W&S) - See Statewide

## TUNICA COUNTY

(D,F,Hw, W&S) - See Statewide

## UNION COUNTY

(D,F,Hw, W&S) - See Statewide



## MISSISSIPPI

## MISSISSIPPI (Cont'd)

WALTHAM COUNTY  
(D, F, Hw, W&S) - See Statewide  
WARREN COUNTY  
Decision #MS75-1044 (B)  
40 FR 16530 - 4/11/75  
(D, F, Hw, W&S) -  
(R) - See Coahoma County  
WASHINGTON COUNTY  
Decision #AQ-4072 (B)  
39 FR 5933 - 2/15/74  
(D, F, Hw, W&S) - See Statewide  
(R) - See Coahoma County  
WAYNE COUNTY  
(D, F, Hw, W&S) - See Statewide  
WEBSTER COUNTY  
(D, F, Hw, W&S) - See Statewide  
WILKINSON COUNTY  
(D, F, Hw, W&S) - See Statewide  
WINSTON COUNTY  
(D, F, Hw, W&S) - See Statewide  
YALOBUSHA COUNTY  
(D, F, Hw, W&S) - See Statewide  
YAZOO COUNTY  
(D, F, Hw, W&S) - See Statewide  
(R) - See Copiah County

STATEWIDE  
Decision #M075-4076 (H, Hw)  
40 FR 16532 - 4/11/75  
ADAIR COUNTY  
(H, Hw) - See Statewide  
ANDREW COUNTY  
Decision #M075-4070 (D)  
40 FR 14225 - 3/28/75  
(H, Hw) - See Statewide  
ATCHISON COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
AUDRAIN COUNTY  
(H, Hw) - See Statewide  
BARRY COUNTY  
(Hw) - See Statewide  
BARTON COUNTY  
(H, Hw) - See Statewide  
BATES COUNTY  
(H, Hw) - See Statewide  
BENTON COUNTY  
(H, Hw) - See Statewide  
BOLLINGER COUNTY  
(H, Hw) - See Statewide  
BOONE COUNTY  
(H, Hw) - See Statewide  
(D) - See Andrew County  
BUCHANAN COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
BUTLER COUNTY  
(Hw) - See Statewide  
CALDWELL COUNTY  
(H, Hw) - See Statewide  
CALLAWAY COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CAMDEN COUNTY  
(H, Hw) - See Statewide  
CAPE GIRARDEAU COUNTY  
Decision #IL75-2036 (D)  
40 FR 6023 - 2/7/75  
(H, Hw) - See Statewide  
CARROLL COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CARTER COUNTY  
(Hw) - See Statewide

## MISSOURI (Cont'd)

CASS COUNTY  
Decision #M075-4059 (B, H, Hw)  
40 FR 8740 - 2/28/75  
Mod. #1 - 40 FR 8740 - 4/4/75  
Decision #M075-4071 (R)  
40 FR 14226 - 3/28/75  
(H, Hw) - See Statewide  
CEDAR COUNTY  
(H, Hw) - See Statewide  
CHARITON COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CHRISTIAN COUNTY  
(Hw) - See Statewide  
CLARK COUNTY  
(H, Hw) - See Statewide  
CLAY COUNTY  
(B, R) - See Cass County  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CLINTON COUNTY  
(H, Hw) - See Statewide  
COLE COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
COOPER COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CRAWFORD COUNTY  
(H, Hw) - See Statewide  
DADE COUNTY  
(H, Hw) - See Statewide  
DALLAS COUNTY  
(H, Hw) - See Statewide  
DAVIESS COUNTY  
(H, Hw) - See Statewide  
DE KALB COUNTY  
(H, Hw) - See Statewide  
DENT COUNTY  
(Hw) - See Statewide  
DOUGLAS COUNTY  
(Hw) - See Statewide  
DUNKLIN COUNTY  
(Hw) - See Statewide  
FRANKLIN COUNTY  
Decision #M075-4072 (B)  
40 FR 14232 - 3/28/75  
Mod. #1 - 40 FR 15328 - 5/2/75  
Decision #M075-4075 (R)  
40 FR 15298 - 4/4/75  
Mod. #1 - 40 FR 19329 - 5/2/75  
(D) - See Andrew County  
(H, Hw) - See Statewide  
GASCONADE COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
GENTRY COUNTY  
(H, Hw) - See Statewide  
GREENE COUNTY  
(H, Hw) - See Statewide

## MISSOURI (Cont'd)

GRUNDY COUNTY  
(H, Hw) - See Statewide  
HARRISON COUNTY  
(H, Hw) - See Statewide  
HENRY COUNTY  
(H, Hw) - See Statewide  
HICKORY COUNTY  
(H, Hw) - See Statewide  
HOLT COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
HOWARD COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
HOWELL COUNTY  
(Hw) - See Statewide  
IRON COUNTY  
(Hw) - See Statewide  
JACKSON COUNTY  
(B, R) - See Cass County  
(D) - See Andrew County  
(H, Hw) - See Statewide  
JASPER COUNTY  
None  
JEFFERSON COUNTY  
(D) - See Cape Girardeau County  
(H, Hw) - See Statewide  
JOHNSON COUNTY  
(H, Hw) - See Statewide  
KNOX COUNTY  
(H, Hw) - See Statewide  
LACLEDE COUNTY  
(H, Hw) - See Statewide  
LAFAYETTE COUNTY  
(H, Hw) - See Statewide  
(D) - See Andrew County  
LAWRENCE COUNTY  
(H, Hw) - See Statewide  
LEWIS COUNTY  
(H, Hw) - See Statewide  
LINCOLN COUNTY  
(B, R) - See Franklin County  
(H, Hw) - See Statewide  
LINN COUNTY  
(H, Hw) - See Statewide  
LIVINGSTON COUNTY  
(H, Hw) - See Statewide  
MC DONALD COUNTY  
(H, Hw) - See Statewide  
MACON COUNTY  
(H, Hw) - See Statewide  
MADISON COUNTY  
(H, Hw) - See Statewide  
MARIES COUNTY  
(H, Hw) - See Statewide



## MISSOURI (Cont'd)

MARION COUNTY  
(Hw) - See Statewide

MERCER COUNTY  
(Hw) - See Statewide

MILLER COUNTY  
(Hw) - See Statewide

MISSISSIPPI COUNTY  
(D) - See Cape Girardeau County

(Hw) - See Statewide

MONITEAU COUNTY  
(D) - See Andrew County

(Hw) - See Statewide

MONROE COUNTY  
(Hw) - See Statewide

MONTGOMERY COUNTY  
(D) - See Andrew County

(Hw) - See Statewide

MORGAN COUNTY  
(Hw) - See Statewide

NEW MADRID COUNTY  
(Hw) - See Statewide

NEWTON COUNTY  
(Hw) - See Statewide

NODAWAY COUNTY  
(Hw) - See Statewide

OREGON COUNTY  
(Hw) - See Statewide

OSAGE COUNTY  
(D) - See Andrew County

(Hw) - See Statewide

OZARK COUNTY  
(Hw) - See Statewide

PEMISCOT COUNTY  
(Hw) - See Statewide

PERRY COUNTY  
(D) - See Cape Girardeau County

(Hw) - See Statewide

PETTIS COUNTY  
(Hw) - See Statewide

PHELPS COUNTY  
(Hw) - See Statewide

PIKE COUNTY  
(Hw) - See Statewide

PLATTE COUNTY  
(B,R,Hw) - See Cass County

(D) - See Andrew County

POLK COUNTY  
(Hw) - See Statewide

## MISSOURI (Cont'd)

PULASKI COUNTY  
(H,Hw) - See Statewide

PUTNAM COUNTY  
(H,Hw) - See Statewide

RALLS COUNTY  
(H,Hw) - See Statewide

RANDOLPH COUNTY  
(H,Hw) - See Statewide

RAY COUNTY  
(B,R) - See Cass County

(D) - See Andrew County

(H,Hw) - See Statewide

REYNOLDS COUNTY  
(Hw) - See Statewide

RIPLEY COUNTY  
(Hw) - See Statewide

ST. CHARLES COUNTY  
(B,R) - See Franklin County

(D) - See Andrew County

(D) - See Cape Girardeau County

(H,Hw) - See Statewide

ST. CLAIR COUNTY  
(H,Hw) - See Statewide

ST. FRANCOIS COUNTY  
(H,Hw) - See Statewide

ST. LOUIS COUNTY  
(B,R) - See Franklin County

(D) - See Cape Girardeau County

(D) - See Andrew County

(H,Hw) - See Statewide

STE. GENEVIEVE COUNTY  
(D) - See Cape Girardeau County

(H,Hw) - See Statewide

SALINE COUNTY  
(D) - See Andrew County

(H,Hw) - See Statewide

SCHUYLER COUNTY  
(H,Hw) - See Statewide

SCOTLAND COUNTY  
(H,Hw) - See Statewide

SCOTT COUNTY  
(D) - See Cape Girardeau County

(H,Hw) - See Statewide

SHANNON COUNTY  
(Hw) - See Statewide

SHELBY COUNTY  
(H,Hw) - See Statewide

STODDARD COUNTY  
(Hw) - See Statewide

## MISSOURI (Cont'd)

STONE COUNTY  
(Hw) - See Statewide

SULLIVAN COUNTY  
(H,Hw) - See Statewide

TANEY COUNTY  
(Hw) - See Statewide

TEXAS COUNTY  
(Hw) - See Statewide

VERNON COUNTY  
(H,Hw) - See Statewide

WARREN COUNTY  
(D) - See Andrew County

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WAYNE COUNTY  
(Hw) - See Statewide

WEBSTER COUNTY  
(Hw) - See Statewide

WORTH COUNTY  
(H,Hw) - See Statewide

WRIGHT COUNTY  
(Hw) - See Statewide

## MONTANA

STATEWIDE  
Decision #MT75-5062 (B)  
40 FR 23650 - 5/30/75

Decision #MT75-5063 (H,Hw)  
40 FR 23675 - 5/30/75

BEAVERHEAD COUNTY  
(B,H,Hw) - See Statewide

BIG HORN COUNTY  
(B,H,Hw) - See Statewide

BLAINE COUNTY  
(B,H,Hw) - See Statewide

BROADWATER COUNTY  
(B,H,Hw) - See Statewide

CARBON COUNTY  
(B,H,Hw) - See Statewide

CARTER COUNTY  
(B,H,Hw) - See Statewide

CASCADE COUNTY  
Decision #MT75-5059 (R)  
40 FR 22765 - 5/23/75

(B,H,Hw) - See Statewide

CHOUTEAU COUNTY  
(B,H,Hw) - See Statewide

CUSTER COUNTY  
(B,H,Hw) - See Statewide

DANIELS COUNTY  
(B,H,Hw) - See Statewide

DAWSON COUNTY  
(B,H,Hw) - See Statewide

DEER LODGE COUNTY  
Decision #MT75-5060 (R)  
40 FR 23642 - 5/30/75

(B,H,Hw) - See Statewide

FALLON COUNTY  
(B,H,Hw) - See Statewide

FERGUS COUNTY  
(B,H,Hw) - See Statewide

FLATHEAD COUNTY  
(B,H,Hw) - See Statewide

(R) - See Cascade County



GALLATIN COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Deer Lodge County  
GARFIELD COUNTY  
(B, H, Hw) - See Statewide  
GLACIER COUNTY  
(R) - See Cascade County  
(B, H, Hw) - See Statewide  
GOLDEN VALLEY COUNTY  
(B, H, Hw) - See Statewide  
GRANITE COUNTY  
(B, H, Hw) - See Statewide  
HILL COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
JEFFERSON COUNTY  
(B, H, Hw) - See Statewide  
JUDITH COUNTY  
(B, H, Hw) - See Statewide  
LAKE COUNTY  
(B, H, Hw) - See Statewide  
LEWIS & CLARK COUNTY  
(B, H, Hw) - See Statewide  
LIBERTY COUNTY  
(B, H, Hw) - See Statewide  
LINCOLN COUNTY  
(B, H, Hw) - See Statewide  
MC CONE COUNTY  
(B, H, Hw) - See Statewide  
MADISON COUNTY  
(B, H, Hw) - See Statewide  
MEAGHER COUNTY  
(B, H, Hw) - See Statewide  
MINERAL COUNTY  
(B, H, Hw) - See Statewide  
MISSOULA COUNTY  
(R) - See Cascade County  
(B, H, Hw) - See Statewide  
MUSSELSHELL COUNTY  
(B, H, Hw) - See Statewide  
PARK COUNTY  
(B, H, Hw) - See Statewide  
PETROLEUM COUNTY  
(B, H, Hw) - See Statewide  
PHILLIPS COUNTY  
(B, H, Hw) - See Statewide  
PONDERA COUNTY  
(B, H, Hw) - See Statewide  
POWDER RIVER COUNTY  
(B, H, Hw) - See Statewide  
POWELL COUNTY  
(B, H, Hw) - See Statewide  
PRAIRIE COUNTY  
(B, H, Hw) - See Statewide  
RAVALLI COUNTY  
(B, H, Hw) - See Statewide

RICHLAND COUNTY  
(B, H, Hw) - See Statewide  
ROOSEVELT COUNTY  
(B, H, Hw) - See Statewide  
ROSEBUD COUNTY  
(B, H, Hw) - See Statewide  
SANDERS COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
SHERIDAN COUNTY  
(B, H, Hw) - See Statewide  
SILVER BOW COUNTY  
(R) - See Deer Lodge County  
(B, H, Hw) - See Statewide  
STILLWATER COUNTY  
(B, H, Hw) - See Statewide  
SWEET GRASS COUNTY  
(B, H, Hw) - See Statewide  
TETON COUNTY  
(B, H, Hw) - See Statewide  
TOOLE COUNTY  
(B, H, Hw) - See Statewide  
TREASURE COUNTY  
(B, H, Hw) - See Statewide  
VALLEY COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
WHEATLAND COUNTY  
(B, H, Hw) - See Statewide  
WIBAUX COUNTY  
(B, H, Hw) - See Statewide  
YELLOWSTONE COUNTY  
(B, H, Hw) - See Statewide

STATEWIDE (Except Douglas & Sarpy)  
Decision #AR-92 (H, Hw)  
39 FR 44917 - 12/27/74  
ADAMS COUNTY  
(H, Hw) - See Statewide  
ANTELOPE COUNTY  
(H, Hw) - See Statewide  
ARTHUR COUNTY  
(H, Hw) - See Statewide  
BANNER COUNTY  
Decision #AQ-79 (B)  
39 FR 5933 - 2/15/74  
BLAINE COUNTY  
(H, Hw) - See Statewide  
BOONE COUNTY  
(H, Hw) - See Statewide  
BOX BUTTE COUNTY  
(B) - See Banner County  
(H, Hw) - See Statewide  
BOYD COUNTY  
(H, Hw) - See Statewide  
Decision #NE75-4054 (Channel Stabilization)  
40 FR 8739 - 2/28/75  
BROWN COUNTY  
(H, Hw) - See Statewide  
BUFFALO COUNTY  
(H, Hw) - See Statewide  
BURT COUNTY  
(H, Hw) - See Statewide  
(Chann. Stab.) - See Boyd County  
BUTLER COUNTY  
(H, Hw) - See Statewide  
CASS COUNTY  
(Chann. Stab.) - See Boyd County  
Decision #AR-59 (H, Hw)  
39 FR 36705 - 10/11/74  
Mod. #1 - 39 FR 38081 - 10/25/74  
Mod. #2 - 39 FR 41658 - 11/29/74  
Mod. #3 - 39 FR 43464 - 12/13/74  
Mod. #4 - 40 FR 7798 - 2/21/75  
CEDAR COUNTY  
Decision #AQ-93 (B)  
39 FR 15653 - 5/3/74  
(H, Hw) - See Statewide  
(Chann. Stab.) - See Boyd County  
CHASE COUNTY  
(H, Hw) - See Statewide  
CHERRY COUNTY  
(H, Hw) - See Statewide  
CHEYENNE COUNTY  
(B) - See Banner County  
(H, Hw) - See Statewide  
CLAY COUNTY  
(H, Hw) - See Statewide  
COLFAX COUNTY  
(H, Hw) - See Statewide

CUMING COUNTY  
(B) - See Cedar County  
(H, Hw) - See Statewide  
CUSTER COUNTY  
(H, Hw) - See Statewide  
DAKOTA COUNTY  
(Chann. Stab.) - See Boyd County  
(H, Hw) - See Statewide  
DAMES COUNTY  
(B) - See Banner County  
(H, Hw) - See Statewide  
DAWSON COUNTY  
(H, Hw) - See Statewide  
DEUEL COUNTY  
(B) - See Banner County  
(H, Hw) - See Statewide  
DIXON COUNTY  
(Chann. Stab.) - See Boyd County  
(H, Hw) - See Statewide  
DODGE COUNTY  
(H, Hw) - See Statewide  
DOUGLAS COUNTY  
Decision #NE75-4055 (B)  
40 FR 8745 - 2/28/75  
Mod. #1 - 40 FR 12013 - 3/14/75  
Decision #AR-94 (R)  
39 FR 44918 - 12/27/74  
Mod. #1 - 40 FR 3862 - 1/24/75  
Mod. #2 - 40 FR 6909 - 2/14/75  
Mod. #3 - 40 FR 8697 - 2/28/75  
Mod. #4 - 40 FR 12013 - 3/14/75  
(H, Hw) - See Cass County  
(Chann. Stab.) - See Boyd County  
DUNDY COUNTY  
(H, Hw) - See Statewide  
FILLMORE COUNTY  
(H, Hw) - See Statewide  
FRANKLIN COUNTY  
(H, Hw) - See Statewide  
FRONTIER COUNTY  
(H, Hw) - See Statewide  
FURNAS COUNTY  
(H, Hw) - See Statewide  
GAGE COUNTY  
(H, Hw) - See Statewide  
GARDEN COUNTY  
(B) - See Banner County  
(H, Hw) - See Statewide  
GARFIELD COUNTY  
(H, Hw) - See Statewide  
GOSPER COUNTY  
(H, Hw) - See Statewide  
GRANT COUNTY  
(H, Hw) - See Statewide  
GREELEY COUNTY  
(H, Hw) - See Statewide



## NEBRASKA (Cont'd.)

HALL COUNTY  
Decision #AQ-24 (B)  
38 FR 24486 - 9/7/73  
Mod. #1 - 38 FR 30330 - 11/2/73  
(H,Hw) - See Statewide  
HAMILTON COUNTY  
(H,Hw) - See Statewide  
HARLAN COUNTY  
(H,Hw) - See Statewide  
HAYES COUNTY  
(H,Hw) - See Statewide  
HITCHCOCK COUNTY  
(H,Hw) - See Statewide  
HOLT COUNTY  
(H,Hw) - See Statewide  
HOOKER COUNTY  
(H,Hw) - See Statewide  
HOWARD COUNTY  
(H,Hw) - See Statewide  
JEFFERSON COUNTY  
(H,Hw) - See Statewide  
JOHNSON COUNTY  
(H,Hw) - See Statewide  
KEARNEY COUNTY  
(H,Hw) - See Statewide  
KEITH COUNTY  
(H,Hw) - See Statewide  
KEYAPAH COUNTY  
(H,Hw) - See Statewide  
KINBALL COUNTY  
(8) - See Banner County  
(H,Hw) - See Statewide  
KNOX COUNTY  
(H,Hw) - See Statewide  
(Chann. Stab.) - See Boyd County  
LANCASTER COUNTY  
Decision #NE75-4085 (B)  
40 FR 20599 - 5/9/75  
Decision #AM-6140 (R)  
36 FR 21736 - 11/12/71  
(H,Hw) - See Statewide  
LINCOLN COUNTY  
(H,Hw) - See Statewide  
LOGAN COUNTY  
(H,Hw) - See Statewide  
LOUP COUNTY  
(H,Hw) - See Statewide  
MC PHERSON COUNTY  
(H,Hw) - See Statewide  
MADISON COUNTY  
(H,Hw) - See Statewide  
MERRICK COUNTY  
(H,Hw) - See Statewide

## NEBRASKA (Cont'd.)

MORRILL COUNTY  
(B) - See Banner County  
(H,Hw) - See Statewide  
NANCE COUNTY  
(H,Hw) - See Statewide  
NEMAH COUNTY  
Decision #M075-4070 (O)  
40 FR 14225 - 3/28/75  
(H,Hw) - See Statewide  
(Chann. Stab.) - See Boyd County  
NUCKOLLS COUNTY  
(H,Hw) - See Statewide  
OTOE COUNTY  
(Chann. Stab.) - See Boyd County  
(H,Hw) - See Statewide  
PANTEE COUNTY  
(H,Hw) - See Statewide  
PERKINS COUNTY  
(H,Hw) - See Statewide  
PIELPS COUNTY  
(H,Hw) - See Statewide  
PIERCE COUNTY  
(B) - See Cedar County  
(H,Hw) - See Statewide  
PLATTE COUNTY  
(H,Hw) - See Statewide  
POLK COUNTY  
(H,Hw) - See Statewide  
RED WILLOW COUNTY  
(H,Hw) - See Statewide  
RICHARDSON COUNTY  
(Chann. Stab.) - See Boyd County  
(O) - See Nemaha County  
(H,Hw) - See Statewide  
ROCK COUNTY  
(H,Hw) - See Statewide  
SALINE COUNTY  
(H,Hw) - See Statewide  
SARPY COUNTY  
(Chann. Stab.) - See Boyd County  
(B,R) - See Douglas County  
(H,Hw) - See Cass County  
SAUNOERS COUNTY  
(H,Hw) - See Statewide  
(H,Hw) - See Cass County  
SCOTTS BLUFF COUNTY  
(B) - See Banner County  
(H,Hw) - See Statewide  
SEWARD COUNTY  
(H,Hw) - See Statewide  
SHERIDAN COUNTY  
(B) - See Banner County  
(H,Hw) - See Statewide  
SHERMAN COUNTY  
(H,Hw) - See Statewide  
STOUX COUNTY  
(B) - See Banner County  
(H,Hw) - See Statewide

## NEBRASKA (Cont'd.)

STANTON COUNTY  
(B) - See Cedar County  
(Hw) - See Statewide  
THAYER COUNTY  
(Hw) - See Statewide  
THOMAS COUNTY  
(Hw) - See Statewide  
THURSTON COUNTY  
(Chann. Stab.) - See Boyd County  
(Hw) - See Statewide  
VALLEY COUNTY  
(Hw) - See Statewide  
WASHINGTON COUNTY  
(H,Hw) - See Cass County  
(Chann. Stab.) - See Boyd County  
WAYNE COUNTY  
(B) - See Cedar County  
(Hw) - See Statewide  
WEBSTER COUNTY  
(Hw) - See Statewide  
WHEELER COUNTY  
(Hw) - See Statewide  
YORK COUNTY  
(Hw) - See Statewide

## NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)  
Decision #NV75-5037 (B,H,Hw)  
40 FR 14235 - 3/28/75  
Mod. #1 - 40 FR 19330 - 5/2/75  
Mod. #2 - 40 FR 23630 - 5/30/75  
CHURCHILL COUNTY  
(B,H,Hw) - See Statewide  
CLARK COUNTY  
Decision #NV75-5038 (R) (Excluding the Nevada Test Site)  
40 FR 14246 - 3/28/75  
Mod. #1 - 40 FR 19330 - 5/2/75  
Mod. #2 - 40 FR 23630 - 5/30/75  
(B,H,Hw) - See Statewide  
Decision #NV75-5057 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range)  
40 FR 20602 - 5/9/75  
DOUGLAS COUNTY  
(B,H,Hw) - See Statewide  
ELKO COUNTY  
(B,H,Hw) - See Statewide  
ESMERALDA COUNTY  
(B,H,Hw) - See Statewide  
EUREKA COUNTY  
(B,H,Hw) - See Statewide  
HUMBOLDT COUNTY  
(B,H,Hw) - See Statewide  
LANOER COUNTY  
(B,H,Hw) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw) - See Statewide  
LYON COUNTY  
(B,H,Hw) - See Statewide  
MINERAL COUNTY  
(B,H,Hw) - See Statewide  
NYE COUNTY  
(B,H,Hw) - See Clark Co. (Nevada Test Site)  
(B,H,Hw) - See Statewide  
ORMSBY COUNTY  
(B,H,Hw) - See Statewide  
PERSHING COUNTY  
(B,H,Hw) - See Statewide  
STOREY COUNTY  
(B,H,Hw) - See Statewide  
WASHOE COUNTY  
Decision #NV75-5039 (R)  
40 FR 14250 - 3/28/75  
Mod. #1 - 40 FR 19330 - 5/2/75  
Mod. #2 - 40 FR 23631 - 5/30/75  
(B,H,Hw) - See Statewide  
WHITE PINE COUNTY  
(B,H,Hw) - See Statewide



NEW HAMPSHIRE

BELKNAP COUNTY  
None

CARROLL COUNTY  
None

CHESHIRE COUNTY  
None

COOS COUNTY  
None

GRAFTON COUNTY  
None

HILLSBORO COUNTY  
Decision #AR-3142 (B,H,Hw,R)  
39 FR 35021 - 9/27/74  
Mod. #1 - 39 FR 36717 - 10/11/74  
Mod. #2 - 40 FR 7799 - 2/21/75  
Mod. #3 - 40 FR 19331 - 5/2/75

MERRIMACK COUNTY  
Decision #AR-3143 (B,H,Hw, & Marine)  
39 FR 35024 - 9/27/74  
Mod. #1 - 39 FR 36717 - 10/11/74  
Mod. #2 - 40 FR 7799 - 2/21/75

ROCKINGHAM COUNTY  
Decision #CT75-5045 (D)  
40 FR 15294 - 4/4/75

Decision #AR-3144 (B,H,Hw,R, & Marine)  
39 FR 35027 - 9/27/74  
Mod. #1 - 39 FR 36718 - 10/11/74  
Mod. #2 - 40 FR 7799 - 2/21/75

STAFFORD COUNTY  
Decision #AR-3145 (B,H,Hw, & Marine)  
39 FR 35031 - 9/27/74  
Mod. #1 - 39 FR 36718 - 10/11/74  
Mod. #2 - 40 FR 7799 - 2/21/75

SULLIVAN COUNTY  
None

NEW JERSEY

ATLANTIC COUNTY  
Decision #AR-2077 (B,H,Hw)  
39 FR 40467 - 11/15/74  
Mod. #1 - 39 FR 42812 - 12/6/74  
Mod. #2 - 39 FR 43654 - 12/13/74  
Mod. #3 - 40 FR 5980 - 2/7/75  
Mod. #4 - 40 FR 16489 - 4/11/75

Decision #CT75-5045 (D)  
40 FR 15294 - 4/4/75

BERGEN COUNTY  
Decision #AR-2078 (B,H,Hw)  
39 FR 40473 - 11/15/74  
Mod. #1 - 39 FR 42811 - 12/6/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75  
Mod. #4 - 40 FR 16489 - 4/11/75

(D) - See Atlantic County

NEW JERSEY

BURLINGTON COUNTY  
Decision #AR-2080 (B,H,Hw)  
39 FR 41130 - 11/22/74  
Mod. #1 - 39 FR 43645 - 12/13/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75  
Mod. #4 - 40 FR 16490 - 4/11/75

(D) - See Atlantic County

CAMDEN COUNTY  
Decision #AR-2081 (B,H,Hw)  
39 FR 41139 - 11/22/74  
Mod. #1 - 40 FR 5981 - 2/7/75

(D) - See Atlantic County

CAPE MAY COUNTY  
(B,H,Hw,D) - See Atlantic County

CUMBERLAND COUNTY  
Decision #AR-2082 (B,H,Hw)  
39 FR 41146 - 11/22/74  
Mod. #1 - 39 FR 43645 - 12/13/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75

(D) - See Atlantic County

ESSEX COUNTY  
Decision #AR-2083 (B,H,Hw)  
39 FR 41153 - 11/22/74  
Mod. #1 - 40 FR 5982 - 2/7/75

(D) - See Atlantic County

GLOUCESTER COUNTY  
(B,H,Hw) - See Camden County

(D) - See Atlantic County

HUDSON COUNTY  
Decision #AR-2087 (B,H,Hw)  
39 FR 41671 - 11/29/74  
Mod. #1 - 40 FR 5982 - 2/7/75  
Mod. #2 - 40 FR 16491 - 4/11/75

(D) - See Atlantic County

HUNTERDON COUNTY  
Decision #AR-2076 (B,H,Hw)  
39 FR 40393 - 11/15/74  
Mod. #1 - 39 FR 42812 - 12/6/74  
Mod. #2 - 40 FR 5980 - 2/7/75  
Mod. #3 - 40 FR 16489 - 4/11/75

(D) - See Atlantic County

MERCER COUNTY  
Decision #AR-2088 (B,H,Hw)  
39 FR 41677 - 11/29/74  
Mod. #1 - 39 FR 44157 - 12/20/74  
Mod. #2 - 40 FR 5982 - 2/7/75  
Mod. #3 - 40 FR 16491 - 4/11/75

MIDDLESEX COUNTY  
Decision #AR-2040 (B,H,Hw)  
39 FR 33164 - 9/13/74  
Mod. #1 - 39 FR 34923 - 9/27/74  
Mod. #2 - 40 FR 5977 - 2/7/75  
Mod. #3 - 40 FR 16485 - 4/11/75

(D) - See Atlantic County

MONMOUTH COUNTY  
Decision #AR-2089 (B,H,Hw)  
39 FR 41685 - 11/29/74  
Mod. #1 - 40 FR 5983 - 2/7/75  
Mod. #2 - 40 FR 16491 - 4/11/75

(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY  
Decision #AR-2041 (B,H,Hw)  
39 FR 33172 - 9/13/74  
Mod. #1 - 39 FR 34924 - 9/27/74  
Mod. #2 - 39 FR 42810 - 12/6/74  
Mod. #3 - 40 FR 5978 - 2/7/75  
Mod. #4 - 40 FR 16486 - 4/11/75  
Mod. #5 - 40 FR 18282 - 4/25/75

(D) - See Atlantic County

OCEAN COUNTY  
Decision #AR-2090 (B,H,Hw)  
39 FR 41693 - 11/29/74  
Mod. #1 - 40 FR 5983 - 2/7/75  
Mod. #2 - 40 FR 16491 - 4/11/75

(D) - See Atlantic County

PASSAIC COUNTY  
Decision #AR-2042 (B,H,Hw)  
39 FR 33179 - 9/13/74  
Mod. #1 - 39 FR 34924 - 9/27/74  
Mod. #2 - 39 FR 41659 - 11/29/74  
Mod. #3 - 39 FR 42811 - 12/6/74  
Mod. #4 - 40 FR 5978 - 2/7/75  
Mod. #5 - 40 FR 16487 - 4/11/75  
Mod. #5 - 40 FR 8697 - 2/28/75

(D) - See Atlantic County

SALEM COUNTY  
Decision #AR-2073 (B,H,Hw)  
39 FR 40371 - 11/15/74  
Mod. #1 - 40 FR 5979 - 2/7/75  
Mod. #2 - 40 FR 16488 - 4/11/75

(D) - See Atlantic County

SOMERSET COUNTY  
Decision #AR-2043 (B,H,Hw)  
39 FR 32456 - 9/6/74  
Mod. #1 - 39 FR 34925 - 9/27/74  
Mod. #2 - 39 FR 42810 - 12/6/74  
Mod. #3 - 40 FR 5979 - 2/7/75  
Mod. #4 - 40 FR 16487 - 4/11/75

(D) - See Atlantic County

SUSSEX COUNTY  
Decision #AR-2075 (B,H,Hw)  
39 FR 40386 - 11/15/74  
Mod. #1 - 39 FR 42811 - 12/6/74  
Mod. #2 - 40 FR 5980 - 2/7/75  
Mod. #2 - 40 FR 16488 - 4/11/75  
Mod. #4 - 40 FR 18282 - 4/25/75

(D) - See Atlantic County

UNION COUNTY  
Decision #AR-2044 (B,H,Hw)  
39 FR 32464 - 9/6/74  
Mod. #1 - 39 FR 34925 - 9/27/74  
Mod. #2 - 39 FR 41659 - 11/29/74  
Mod. #3 - 39 FR 42811 - 12/6/74  
Mod. #4 - 40 FR 5979 - 2/7/75  
Mod. #5 - 40 FR 16487 - 2/7/75

(D) - See Atlantic County

WARREN COUNTY  
Decision #AR-2074 (B,H,Hw)  
39 FR 40378 - 11/15/74



# NEW JERSEY (Cont'd.)

WARREN COUNTY (Cont'd.)  
Mod. #1 - 39 FR 42811 - 12/6/74  
Mod. #2 - 40 FR 5930 - 2/7/75  
Mod. #3 - 40 FR 16488 - 4/11/75

## NEW MEXICO

STATEWIDE  
Decision #AQ-18 (Streets,  
Highways, Utilities and Light  
Engineering Construction)  
38 FR 21714 - 8/10/73  
Mod. #1 - 38 FR 22853 - 8/24/73  
Mod. #2 - 39 FR 32443 - 9/6/74  
Mod. #3 - 40 FR 15273 - 4/4/75  
Decision #IN75-4079 (Building, including  
residential in McKinley, Santa Fe,  
San Juan & Bernalillo Cos.) and Heavy  
engineering construction.  
40 FR 17517 - 4/18/75  
Mod. #1 - 40 FR 19331 - 5/2/75  
Mod. #2 - 40 FR 22735 - 5/23/75

BERNALILLO COUNTY  
(B,H,Hw,R) - See Statewide  
CATRON COUNTY  
(B,H,Hw) - See Statewide  
CHAVES COUNTY  
(B,H,Hw) - See Statewide  
COLFAX COUNTY  
(B,H,Hw) - See Statewide  
CURRY COUNTY  
(B,H,Hw) - See Statewide  
DE BACA COUNTY  
(B,H,Hw) - See Statewide  
DONA ANA COUNTY  
(B,H,Hw) - See Statewide  
Decision #NM75-4014 (R)  
40 FR 3148 - 1/17/75  
EDDY COUNTY  
(B,H,Hw) - See Statewide  
GRANT COUNTY  
(B,H,Hw) - See Statewide  
GUADALUPE COUNTY  
(B,H,Hw) - See Statewide  
HARDING COUNTY  
(B,H,Hw) - See Statewide  
HIDALGO COUNTY  
(B,H,Hw) - See Statewide  
LEA COUNTY  
(B,H,Hw) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw) - See Statewide  
LOS ALAMOS COUNTY  
(B,H,Hw) - See Statewide  
LUNA COUNTY  
(B,H,Hw) - See Statewide  
McKINLEY COUNTY  
(R) - See San Juan County

# NEW MEXICO (Cont'd.)

MORA COUNTY  
(B,H,Hw) - See Statewide  
OTERO COUNTY  
(R) - See Dona Ana County  
(B,H,Hw) - See Statewide  
QUAY COUNTY  
(B,H,Hw) - See Statewide  
RIO ARriba COUNTY  
(B,H,Hw) - See Statewide  
ROOSEVELT COUNTY  
(B,H,Hw) - See Statewide  
SANDOVAL COUNTY  
(B,H,Hw) - See Statewide  
SAN JUAN COUNTY  
Decision #NM75-5004 (R)(Navajo Indian  
Reservation)  
40 FR 3921 - 1/24/75  
(B,H,Hw,R) - See Statewide  
SAN MIGUEL COUNTY  
SANTA FE COUNTY  
(B,H,Hw,R) - See Statewide  
SIERRA COUNTY  
(B,H,Hw) - See Statewide  
SOCORRO COUNTY  
(B,H,Hw) - See Statewide  
TAOS COUNTY  
(B,H,Hw) - See Statewide  
TORRANCE COUNTY  
(B,H,Hw) - See Statewide  
UNION COUNTY  
(B,H,Hw) - See Statewide  
VALENCIA COUNTY  
(B,H,Hw) - See Statewide

# NEW YORK

ALBANY COUNTY  
Decision #NY75-3031 (B,H,Hw)  
40 FR 16545 - 4/11/75  
ALLEGANY COUNTY  
None  
BRONX COUNTY  
Decision #AR-2101 (B,H,Hw)  
39 FR 44925 - 12/27/74  
Mod. #1 - 40 FR 5984 - 2/7/75  
Mod. #2 - 40 FR 7799 - 2/21/75  
Decision #NY75-3016 (R)  
40 FR 7852 - 2/21/75  
Decision #CT75-5045 (D)  
40 FR 15294 - 4/4/75  
BROOME COUNTY  
Decision #NY75-3032 (B,H,Hw)  
40 FR 16549 - 4/11/75  
CATTARAUGUS COUNTY  
None  
CAYUGA COUNTY  
Decision #NY75-3033 (D)  
40 FR 16554 - 4/11/75  
CHAUTAUGUS COUNTY  
Decision #AR-2014 (B,H,Hw)  
39 FR 28735 - 8/9/74  
Mod. #1 - 40 FR 3863 - 1/24/75  
(D) - See Cayuga County  
CHEMUNG COUNTY  
None  
CHENANGO COUNTY  
None  
CLINTON COUNTY  
None  
COLUMBIA COUNTY  
None  
CORTLAND COUNTY  
None  
DELAWARE COUNTY  
None

# NEW YORK (Cont'd.)

DUTCHESS COUNTY  
Decision #NY75-3034 (B,H,Hw)  
40 FR 16559 - 4/11/75  
(D) - See Bronx County  
ERIE COUNTY  
Decision #NY75-3035 (B,H,Hw)  
40 FR 16565 - 4/11/75  
(D) - See Cayuga County  
ESSEX COUNTY  
None  
FRANKLIN COUNTY  
(D) - See Cayuga County  
FULTON COUNTY  
None  
GENESEE COUNTY  
None  
GREENE COUNTY  
None  
HAMILTON COUNTY  
None  
HERKIMER COUNTY  
None  
JEFFERSON COUNTY  
Decision #NY75-3036 (B,H,Hw)  
40 FR 16571 - 4/11/75  
Mod. #1 - 40 FR 24455 - 6/6/75  
(D) - See Cayuga County  
KINGS COUNTY  
(B,H,Hw,R,D) - See Bronx County  
LEWIS COUNTY  
None  
LIVINGSTON COUNTY  
None  
MADISON COUNTY  
None

## NOTICES



NEW YORK (Cont'd.)

MONROE COUNTY  
Decision #NY75-3037 (B,H,Hw)  
40 FR 16576 - 4/11/75  
(D) - See Cayuga County  
MONTGOMERY COUNTY  
None  
NASSAU COUNTY  
Decision #NY75-3038 (B,H,Hw)  
40 FR 16581 - 4/11/75  
(D) - See Bronx County  
NEW YORK COUNTY  
(B,H,Hw,R,D) - See Bronx County  
NIAGARA COUNTY  
Decision #NY75-3039 (B,H,Hw)  
40 FR 16586 - 4/11/75  
(D) - See Cayuga County  
ORIEIDA COUNTY  
Decision #NY75-3040 (B,H,Hw)  
40 FR 16589 - 4/11/75  
Mod. #1 - 40 FR 24456 - 6/6/75  
ONONDAGA COUNTY  
Decision #NY75-3041 (B,H,Hw)  
40 FR 16595 - 4/11/75  
Mod. #1 - 40 FR 24457 - 6/6/75  
ONTARIO COUNTY  
None  
ORANGE COUNTY  
Decision #NY75-3042 (B,H,Hw)  
40 FR 16599 - 4/11/75  
(D) - See Bronx County  
ORLEANS COUNTY  
(D) - See Cayuga County  
OSWEGO COUNTY  
(D) - See Cayuga County  
OTSEGA COUNTY  
None  
PUTNAM COUNTY  
None  
QUEENS COUNTY  
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd.)

RENSELAER COUNTY  
Decision #NY75-3043 (B,H,Hw)  
40 FR 16606 - 4/11/75  
RICHMOND COUNTY  
(B,H,Hw,R,D) - See Bronx County  
ROCKLAND COUNTY  
(D) - See Bronx County  
ST LAWRENCE COUNTY  
(D) - See Cayuga County  
SARATOGA COUNTY  
Decision #AR-2097 (B,H,Hw)  
39 FR 44919 - 12/21/74  
SCHENECTADY COUNTY  
Decision #NY75-3044 (B,H,Hw)  
40 FR 16610 - 4/11/75  
SCHOHARIE COUNTY  
None  
SCHUYLER COUNTY  
None  
SENECA COUNTY  
None  
STEUBEN COUNTY  
Decision #NY75-3046 (B,H,Hw)  
40 FR 16619 - 4/11/75  
SUFFOLK COUNTY  
Decision #NY75-3045 (B,H,Hw)  
40 FR 16614 - 4/11/75  
(D) - See Bronx County  
SULLIVAN COUNTY  
None  
TIOGA COUNTY  
None

NEW YORK (cont'd.)

TOMPKINS COUNTY  
None  
ULSTER COUNTY  
None  
WARREN COUNTY  
None  
WASHINGTON COUNTY  
None  
WAYNE COUNTY  
Decision #NY75-3047 (B,H,Hw)  
40 FR 16624 - 4/11/75  
(D) - See Cayuga County  
WESTCHESTER COUNTY  
Decision #NY75-3048 (B,H,Hw)  
40 FR 16631 - 4/11/75  
(D) - See Bronx County  
WYOMING COUNTY  
None  
YATES COUNTY  
None

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY  
Decision #MD75-300B (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
(Sewer & Water, H,Hw) - See Statewide  
BERTIE COUNTY  
Decision #AQ-4079 (R)  
39 FR 7010 - 2/22/74  
Mod. #1 - 40 FR 3087 - 1/17/75  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
BLADEN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
BRUNSWICK COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(D) - See Beaufort County  
Decision #AR-4031 (R)  
39 FR 32441 - 9/6/74  
BUNCOMBE COUNTY  
Decision #AR-4005 (B)  
39 FR 24778 - 7/5/74  
Mod. #1 - 39 FR 43465 - 12/13/74  
Decision #NC75-1014 (R)  
40 FR 6111 - 2/7/75  
(Sewer & Water, H,Hw) - See Statewide  
BURKE COUNTY  
Decision #AQ-4105 (B)  
39 FR 14842 - 4/26/74  
Decision #AQ-4117 (R)  
39 FR 18397 - 5/24/74  
(Sewer & Water, H,Hw) - See Statewide  
CABARRUS COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
CALDWELL COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
CAMDEN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
CARTERET COUNTY  
Decision #AQ-40B3 (R)  
39 FR 8101 - 3/1/74  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
CASMELL COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
CATAMBA COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Hw) - See Statewide  
CHATHAM COUNTY  
Decision #NC75-1049 (B)  
40 FR 18273 - 4/25/75  
Decision #AR-4044 (R)  
39 FR 36882 - 10/11/74  
Mod. #1 - 40 FR 3087 - 1/17/75  
(Sewer & Water, H,Hw) - See Statewide  
CHEROKEE COUNTY  
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA

STATEWIDE  
Decision #NC75-1015 (H,Hw)  
40 FR 4B57 - 1/31/75  
Decision #NC75-1002 (Sewer & Water)  
40 FR 3149 - 1/17/75  
ALAMANCE COUNTY  
Decision #AQ-407B (R)  
39 FR 7010 - 2/22/74  
(Sewer & Water, H,Hw) - See Statewide  
ALEXANDER COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
ALLEGHANY COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
ANSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
ASHE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
AVERY COUNTY  
Decision #AR-4017 (B)  
39 FR 2B739 - 8/9/74  
Mod. #1 - 39 FR 43466 - 12/13/74  
(Sewer & Water, H,Hw) - See Statewide

**NOTICES**



## NORTH CAROLINA (Cont'd.)

CHOWAN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(D) - See Beaufort County  
(R) - See Bertie County

CLAY COUNTY  
(Sewer & Water, H,Hw) - See Statewide

CLEVELAND COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Hw) - See Statewide

COLUMBUS COUNTY  
(Sewer & Water, H,Hw) - See Statewide

CRANE COUNTY  
(R) - See Carteret County  
(Sewer & Water, H,Hw) - See Statewide

CUMBERLAND COUNTY  
(D) - See Beaufort County  
(R) - See Chatham County

CURRITUCK COUNTY  
(Sewer & Water, H,Hw) - See Statewide

DARE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(D) - See Beaufort County

DAVIDSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

DAVIE COUNTY  
(Sewer & Water, H,Hw) - See Statewide

DUPLIN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

DURHAM COUNTY  
(R) - See Carteret County  
(Sewer & Water, H,Hw) - See Statewide

EDGEcombe COUNTY  
(Sewer & Water, H,Hw) - See Statewide

FORSYTH COUNTY  
(R) - See Bertie County  
Decision #AR-4D19 (R)  
39 FR 29702 - 8/16/74

FRANKLIN COUNTY  
(R) - See Bertie County

GASTON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

GATES COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(D) - See Beaufort County

GRAHAM COUNTY  
(Sewer & Water, H,Hw) - See Statewide

GRANVILLE COUNTY  
(Sewer & Water, H,Hw) - See Statewide

GREENE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Carteret County

GUILFORD COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Alamance County

## NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

HARNETT COUNTY  
(B,R) - See Chatham County  
(Sewer & Water, H,Hw) - See Statewide

HAYWOOD COUNTY  
(R) - See Buncombe County  
(R) - See Cumberland County  
(Sewer & Water, H,Hw) - See Statewide

HENDERSON COUNTY  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

HERFORD COUNTY  
(D) - See Beaufort County  
(R) - See Bertie County

Hoke COUNTY  
(R) - See Chatham County  
(Sewer & Water, H,Hw) - See Statewide

HYDE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(D) - See Beaufort County

IREDELL COUNTY  
(Sewer & Water, H,Hw) - See Statewide

JACKSON COUNTY  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

JOHNSTON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

JONES COUNTY  
(R) - See Carteret County  
(Sewer & Water, H,Hw) - See Statewide

LEE COUNTY  
(R) - See Carteret County

LENOIR COUNTY  
(B,R) - See Chatham County  
(Sewer & Water, H,Hw) - See Statewide

LINCOLN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Burke County

MCDOWELL COUNTY  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

MACON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

MADISON COUNTY  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

MARTIN COUNTY  
(R) - See Bertie County  
(Sewer & Water, H,Hw) - See Statewide

MECKLENBURG COUNTY  
Decision #AP-161 (B)  
38 FR 5753 - 3/2/73  
Mod. #1 - 38 FR 7166 - 3/16/73  
Mod. #2 - 38 FR 3170 - 11/16/73

(Sewer & Water, H,Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(B) - See Avery County

MONTGOMERY COUNTY  
(Sewer & Water, H,Hw) - See Statewide

MORRE COUNTY  
(B,R) - See Chatham County  
(Sewer & Water, H,Hw) - See Statewide

NASH COUNTY  
(Sewer & Water, H,Hw) - See Statewide

NEW HANOVER COUNTY  
Decision #NC75-1054 (B)  
4D FR 22723 - 5/23/75  
(R) - See Brunswick County  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

NDRTHAMPTON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

ONslow COUNTY  
Decision #AR-4D48 (B)  
39 FR 30d78 - 1D/25/74  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Brunswick County

ORANGE COUNTY  
(Sewer & Water, H,Hw) - See Statewide

PAMLICO COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Carteret County

PASQUOTANK COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

PENDER COUNTY  
(R) - See Brunswick County  
(D) - See Beaufort County

PERQUIMANS COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

PERSDNS COUNTY  
(Sewer & Water, H,Hw) - See Statewide

PITT COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

POLK COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Hw) - See Statewide

RANDOLPH COUNTY  
(R) - See Alamance County  
(Sewer & Water, H,Hw) - See Statewide

RICHMOND COUNTY  
(Sewer & Water, H,Hw) - See Statewide

ROBESON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

ROCKINGHAM COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Alamance County

ROWAN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

RUTHERFORD COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Hw) - See Statewide

SWAMPSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Chatham County

SCOTLAND COUNTY  
(Sewer & Water, H,Hw) - See Statewide

STANLY COUNTY  
(Sewer & Water, H,Hw) - See Statewide

STOKES COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Forsyth County

SWAIN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

TRANSLVANIA COUNTY  
Decision #AR-4D42 (B)  
39 FR 349D6 - 9/27/74  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

TYRRELL COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

UNION COUNTY  
(Sewer & Water, H,Hw) - See Statewide

VANCE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

WAKE COUNTY  
Decision #AQ-4032 (B)  
38 FR 31D93 - 11/9/73  
Mod. #1 - 39 FR 5D66 - 2/8/74  
(Sewer & Water, H,Hw) - See Statewide

WARREN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

WASHINGTON COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

WATAUGA COUNTY  
(B) - See Avery County  
(Sewer & Water, H,Hw) - See Statewide

WAYNE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Carteret County

WILKES COUNTY  
Decision #AR-4D63 (B)  
39 FR 428D3 - 12/6/74  
Mod. #1 - 4D FR 3087 - 1/17/75  
Mod. #2 - 4D FR 5984 - 2/7/75  
(Sewer & Water, H,Hw) - See Statewide

WILSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

YAMKIN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

YANCEY COUNTY  
(Sewer & Water, H,Hw) - See Statewide



## OHIO

## NORTH DAKOTA (Cont'd)

## NORTH DAKOTA (Cont'd)

## NORTH DAKOTA

- STATEWIDE  
Decision #AR-1053 (Hw)  
39 FR 42823 - 12/6/74  
Mod. #1 - 40 FR 14211 - 3/28/75
- ADAMS COUNTY  
(Hw) - See Statewide
- BARNES COUNTY  
(Hw) - See Statewide
- BENSON COUNTY  
(Hw) - See Statewide
- BILLINGS COUNTY  
(Hw) - See Statewide
- BOTTINEAU COUNTY  
(Hw) - See Statewide
- BOWMAN COUNTY  
(Hw) - See Statewide
- BURKE COUNTY  
(Hw) - See Statewide
- BURLEIGH COUNTY  
(Hw) - See Statewide  
Decision #ND75-5058 (B)  
40 FR 22776 - 5/23/75
- CASS COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- CAVALIER COUNTY  
(Hw) - See Statewide
- DICKEY COUNTY  
(Hw) - See Statewide
- DIVIDE COUNTY  
(Hw) - See Statewide
- DUNN COUNTY  
(Hw) - See Statewide
- EDDY COUNTY  
(Hw) - See Statewide
- EMMONS COUNTY  
(Hw) - See Statewide
- FOSTER COUNTY  
(Hw) - See Statewide
- GOLDEN VALLEY COUNTY  
(Hw) - See Statewide
- GRAND FORKS COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- GRANTS COUNTY  
(Hw) - See Statewide
- GRIGGS COUNTY  
(Hw) - See Statewide
- HILLING COUNTY  
(Hw) - See Statewide
- KIDDER COUNTY  
(Hw) - See Statewide
- LAMORE COUNTY  
(Hw) - See Statewide
- LOGAN COUNTY  
(Hw) - See Statewide
- McHENRY COUNTY  
(Hw) - See Statewide
- McINTOSH COUNTY  
(Hw) - See Statewide
- McKENZIE COUNTY  
(Hw) - See Statewide
- McLEAN COUNTY  
(Hw) - See Statewide
- MERCER COUNTY  
(Hw) - See Statewide
- MORTON COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- MOUNT RAIL COUNTY  
(Hw) - See Statewide
- NELSON COUNTY  
(Hw) - See Statewide
- OLIVER COUNTY  
(Hw) - See Statewide
- PEMBINA COUNTY  
(Hw) - See Statewide
- PIERCE COUNTY  
(Hw) - See Statewide
- RAMSEY COUNTY  
(Hw) - See Statewide
- RANSOM COUNTY  
(Hw) - See Statewide
- RENNVILLE COUNTY  
(Hw) - See Statewide
- RICHLAND COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- ROLETT COUNTY  
(Hw) - See Statewide
- SARGENT COUNTY  
(Hw) - See Statewide
- SHERIDAN COUNTY  
(Hw) - See Statewide
- STOIX COUNTY  
(Hw) - See Statewide
- SLOPE COUNTY  
(Hw) - See Statewide
- STARK COUNTY  
(Hw) - See Statewide
- STEELE COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- STUTSMAN COUNTY  
(Hw) - See Statewide
- TOWNER COUNTY  
(Hw) - See Statewide
- TRAILL COUNTY  
(Hw) - See Statewide
- WALSH COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- WARD COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County
- WELLS COUNTY  
(Hw) - See Statewide
- WILLIAMS COUNTY  
(Hw) - See Statewide
- STATEWIDE  
Decision #OH75-2056 (H,Hw)  
40 FR 1530 - 4/4/75  
Mod. #1 - 40 FR 18282 - 4/25/75
- ADAMS COUNTY  
Decision #1L75-2036 (D)  
40 FR 6023 - 2/7/75  
(H,Hw) - See Statewide
- ALLEN COUNTY  
Decision #OH75-2034 (B)  
40 FR 5967 - 2/7/75  
(H,Hw) - See Statewide
- ASHLAND COUNTY  
(H,Hw) - See Statewide
- ASHTABULA COUNTY  
Decision #AR-3169 (S,R)  
39 FR 40401 - 11/15/74  
Mod. #1 - 40 FR 14214 - 3/28/75  
Decision #1L75-5051 (D)  
40 FR 16529 - 4/11/75  
(H,Hw) - See Statewide
- ATHENS COUNTY  
(D) - See Adams County
- AUGLAIZE COUNTY  
(H,Hw) - See Statewide  
(B) - See Allen County
- BELMONT COUNTY  
(H,Hw) - See Statewide
- BROWN COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide
- BUTLER COUNTY  
Decision #AR-3033 (B)  
39 FR 30774 - 8/23/74  
Mod. #1 - 40 FR 16492 - 4/11/75  
Decision #AP-683 (R)  
38 FR 14049 - 5/25/73  
(H,Hw) - See Statewide
- CARROLL COUNTY  
(H,Hw) - See Statewide
- CHAMPAIGN COUNTY  
(H,Hw) - See Statewide
- CLARK COUNTY  
Decision #AR-3034 (B)  
39 FR 30776 - 8/23/74  
Mod. #1 - 40 FR 15274 - 4/4/75  
Decision #AP-684 (B)  
38 FR 14049 - 5/25/73  
(H,Hw) - See Statewide
- CLERMONT COUNTY  
Decision #AM-685 (R)  
38 FR 14050 - 5/25/73  
(B) - See Hamilton County  
(D) - See Adams County
- CLINTON COUNTY  
(H,Hw) - See Statewide
- COLUMBIANA COUNTY  
(H,Hw) - See Statewide
- COSHOCOTON COUNTY  
(H,Hw) - See Statewide



## OHIO (Cont'd.)

CRAWFORD COUNTY  
(H,Hw) - See Statewide

CUYAHOGA COUNTY  
Decision #AR-3035 (B,R)  
39 FR 3077B - 8/23/74  
Mod. #1 - 40 FR 15274 - 4/4/75

(H,Hw) - See Statewide

DARKE COUNTY  
(H,Hw) - See Statewide

DEFIANCE COUNTY  
(H,Hw) - See Statewide

DELAWARE COUNTY  
Decision #AM-420 (R)  
36 FR 15963 - 8/18/71  
Mod. #1 - 38 FR 4630 - 2/16/73

(H,Hw) - See Statewide

ERIE COUNTY  
Decision #AR-3172 (B)  
39 FR 41102 - 11/22/74  
Mod. #1 - 40 FR 15276 - 4/4/75

(D) - See Ashtabula County

FAIRFIELD COUNTY  
(H,Hw) - See Statewide

(R) - See Delaware County

(H,Hw) - See Statewide

FAYETTE COUNTY  
(H,Hw) - See Statewide

FRANKLIN COUNTY  
Decision #AR-3036 (B)  
39 FR 30780 - 8/23/74  
Mod. #1 - 40 FR 37330 - 10/18/74

Mod. #2 - 40 FR 15274 - 4/4/75

(R) - See Delaware County

(H,Hw) - See Statewide

FULTON COUNTY  
(B) - See Lucas County

(H,Hw) - See Statewide

GALLIA COUNTY  
(D) - See Adams County

(H,Hw) - See Statewide

GEAUGA COUNTY  
(H,Hw) - See Statewide

GREENE COUNTY  
Decision #AR-3037 (B)  
39 FR 30782 - 8/23/74  
Mod. #1 - 40 FR 15275 - 4/4/75

Decision #AM-422 (R)

36 FR 15965 - 8/18/71  
Mod. #1 - 37 FR 8619 - 4/28/72

(H,Hw) - See Statewide

GUERNSEY COUNTY  
(H,Hw) - See Statewide

HAMILTON COUNTY  
Decision #AR-3038 (B)  
39 FR 30784 - 8/23/74  
Mod. #1 - 40 FR 15275 - 4/4/75

(D) - See Adams County

(R) - See Clermont County

(H,Hw) - See Statewide

## OHIO (Cont'd.)

HANCOCK COUNTY  
Decision #AR-3173 (B)  
39 FR 41105 - 11/22/74  
Mod. #1 - 40 FR 15276 - 4/4/75

(H,Hw) - See Statewide

HARDIN COUNTY  
(H,Hw) - See Statewide

HARRISON COUNTY  
(H,Hw) - See Statewide

HENRY COUNTY  
(H,Hw) - See Statewide

HIGHLAND COUNTY  
(H,Hw) - See Statewide

HOCKING COUNTY  
(H,Hw) - See Statewide

HOLMES COUNTY  
(H,Hw) - See Statewide

HUKON COUNTY  
(B) - See Erie County

(H,Hw) - See Statewide

JACKSON COUNTY  
(H,Hw) - See Statewide

JEFFERSON COUNTY  
(H,Hw) - See Statewide

KNOX COUNTY  
(H,Hw) - See Statewide

LAKE COUNTY  
(B,R) - See Cuyahoga County

(D) - See Ashtabula County

(H,Hw) - See Statewide

LAWRENCE COUNTY  
(D) - See Adams County

(H,Hw) - See Statewide

LICKING COUNTY  
Decision #AR-3039 (B)  
39 FR 30786 - 8/23/74  
Mod. #1 - 40 FR 16492 - 4/11/75

(H,Hw) - See Statewide

(R) - See Delaware County

LOGAN COUNTY  
(H,Hw) - See Statewide

LORAIN COUNTY  
Decision #AR-3040 (B,R)  
39 FR 30663 - 8/23/74  
Mod. #1 - 40 FR 16493 - 4/11/75

(D) - See Ashtabula County

(H,Hw) - See Statewide

LUCAS COUNTY  
Decision #OH75-2060 (B)  
40 FR 17529 - 4/18/75

(D) - See Ashtabula County

(H,Hw) - See Statewide

MADISON COUNTY  
(B) - See Franklin County

(R) - See Delaware County

(H,Hw) - See Statewide

## OHIO (Cont'd.)

MAHONING COUNTY  
Decision #AR-3042 (B,R)  
39 FR 30790 - 8/23/74  
Mod. #1 - 40 FR 7799 - 2/21/75

Mod. #2 - 40 FR 16493 - 4/11/75

(H,Hw) - See Statewide

MARION COUNTY  
(H,Hw) - See Statewide

MEDINA COUNTY  
(H,Hw) - See Statewide

MEigs COUNTY  
(D) - See Adams County

(H,Hw) - See Statewide

MERCER COUNTY  
(B) - See Allen County

(H,Hw) - See Statewide

MIAMI COUNTY  
(R) - See Greene County

(H,Hw) - See Statewide

MONROE COUNTY  
(D) - See Adams County

(H,Hw) - See Statewide

MONTGOMERY COUNTY  
(B) - See Greene County

(R) - See Greene County

(H,Hw) - See Statewide

MORGAN COUNTY  
(H,Hw) - See Statewide

MORROW COUNTY  
(H,Hw) - See Statewide

MUSKINGUM COUNTY  
Decision #AR-3043 (B)  
39 FR 30792 - 8/23/74  
Mod. #1 - 40 FR 17462 - 4/18/75

(H,Hw) - See Statewide

NOBLE COUNTY  
(H,Hw) - See Statewide

OTTAWA COUNTY  
(R) - See Erie County

(D) - See Ashtabula County

(H,Hw) - See Statewide

PAULDING COUNTY  
(H,Hw) - See Statewide

PERRY COUNTY  
(H,Hw) - See Statewide

PICKAWAY COUNTY  
(B) - See Franklin County

(R) - See Delaware County

(H,Hw) - See Statewide

PIKE COUNTY  
Decision #AR-3176 (B)  
39 FR 43451 - 12/13/74  
Mod. #1 - 40 FR 3087 - 1/17/75

Mod. #2 - 40 FR 5985 - 2/7/75

Mod. #3 - 40 FR 17464 - 4/18/75

(H,Hw) - See Statewide

PORTAGE COUNTY  
Decision #AR-3044 (B,R)  
39 FR 30794 - 8/23/74  
(H,Hw) - See Statewide

## OHIO (Cont'd.)

PREBLE COUNTY  
(R) - See Greene County

(H,Hw) - See Statewide

PUTNAM COUNTY  
(H,Hw) - See Statewide

RICHLAND COUNTY  
(H,Hw) - See Statewide

ROSS COUNTY  
(B) - See Pike County

(H,Hw) - See Statewide

SANDUSKY COUNTY  
(B) - See Erie County

(D) - See Ashtabula County

(H,Hw) - See Statewide

SCIOTO COUNTY  
(B) - See Pike County

(D) - See Adams County

(H,Hw) - See Statewide

SENECA COUNTY  
(H,Hw) - See Statewide

SHELBY COUNTY  
(H,Hw) - See Statewide

STARK COUNTY  
Decision #AR-3045 (B,R)  
39 FR 30796 - 8/23/74  
Mod. #1 - 40 FR 17463 - 4/18/75

(H,Hw) - See Statewide

SUMMIT COUNTY  
Decision #AR-3046 (B,R)  
39 FR 30798 - 8/23/74  
Mod. #1 - 39 FR 34927 - 9/27/74

Mod. #2 - 40 FR 17463 - 4/18/75

(H,Hw) - See Statewide

TRUMBULL COUNTY  
Decision #AR-3047 (B,R)  
39 FR 30800 - 8/23/74  
Mod. #1 - 40 FR 17463 - 4/18/75

(H,Hw) - See Statewide

TUSCARAWAS COUNTY  
(H,Hw) - See Statewide

UNION COUNTY  
(H,Hw) - See Statewide

VAN WERT COUNTY  
(B) - See Allen County

(H,Hw) - See Statewide

VINTON COUNTY  
(H,Hw) - See Statewide

WARREN COUNTY  
(R) - See Butler County

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(D) - See Adams County

(H,Hw) - See Statewide

WAYNE COUNTY  
(H,Hw) - See Statewide

WILLIAMS COUNTY  
(H,Hw) - See Statewide

WOOD COUNTY  
(H,Hw) - See Statewide

WYANDOT COUNTY  
(H,Hw) - See Statewide



STATEWIDE (Except the City of Muskogee)  
Decision #AQ-124 (Constr., alteration,  
runways, erosion control structures,  
well drilling, and water and sewer  
utilities)  
39 FR 24194 - 6/28/74

ADAIR COUNTY  
Decision #OK75-4069 (B,H,Hw)  
40 FR 14257 - 3/28/75

Mod. #1 - 40 FR 16495 - 4/11/75  
Mod. #2 - 40 FR 18283 - 4/25/75  
(H,Hw) - See Statewide

ATOKA COUNTY  
(H,Hw) - See Statewide

BEAVER COUNTY  
(H,Hw) - See Statewide

BECKHAM COUNTY  
(H,Hw) - See Statewide

BLAINE COUNTY  
(H,Hw) - See Statewide

BRYAN COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4016 (R)  
40 FR 3151 - 1/17/75

CADDO COUNTY  
(H,Hw) - See Canadian County

CANADIAN COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4080 (B)  
40 FR 17531 - 4/18/75

Mod. #1 - 40 FR 22736 - 5/23/75  
Decision #AP-304 (R)  
37 FR 15789 - 8/4/72

Mod. #2 - 38 FR 28799 - 12/28/72  
Mod. #3 - 38 FR 4078 - 2/5/73

CARTER COUNTY  
(H,Hw) - See Statewide

CHEROKEE COUNTY  
(B) - See Adair County

CHOCTAW COUNTY  
(H,Hw) - See Statewide

CIMARRON COUNTY  
(H,Hw) - See Statewide

CLEVELAND COUNTY  
(H,Hw) - See Statewide

Decision #AR-80 (B)  
39 FR 41107 - 11/22/74

Mod. #1 - 39 FR 44157 - 12/20/74  
Mod. #2 - 40 FR 3866 - 1/24/75  
Mod. #3 - 40 FR 14214 - 3/28/75  
Mod. #4 - 40 FR 16493 - 4/11/75

COTTON COUNTY  
(H,Hw) - See Statewide

CRAIG COUNTY  
(H,Hw) - See Statewide

CREEK COUNTY  
(B) - See Tulsa County

(H,Hw) - See Statewide

Decision #AR-88 (B)  
39 FR 43454 - 12/13/74

Mod. #1 - 40 FR 2381 - 1/10/75  
Mod. #2 - 40 FR 6906 - 2/14/75  
Mod. #3 - 40 FR 15277 - 4/4/75  
Mod. #4 - 40 FR 16494 - 4/11/75

PONTOTOC COUNTY  
(H,Hw) - See Statewide

POTTAWATOMIE COUNTY  
(H,Hw) - See Statewide

(B,R) - See Canadian County

PUSHMATAHA COUNTY  
(H,Hw) - See Statewide

Decision #AR-85 (8)  
39 FR 42801 - 12/6/74

Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14214 - 3/28/75  
Mod. #3 - 40 FR 16494 - 4/11/75  
Mod. #4 - 40 FR 18283 - 4/25/75

(H,Hw) - See Statewide

GARFIELD COUNTY  
(H,Hw) - See Statewide

Decision #AR-85 (8)  
39 FR 42801 - 12/6/74

Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14214 - 3/28/75  
Mod. #3 - 40 FR 16494 - 4/11/75  
Mod. #4 - 40 FR 18283 - 4/25/75

(H,Hw) - See Statewide

GARVIN COUNTY  
(H,Hw) - See Statewide

GRADY COUNTY  
(B) - See Canadian County

(H,Hw) - See Statewide

GREEN COUNTY  
(H,Hw) - See Statewide

HARSON COUNTY  
(H,Hw) - See Statewide

HARPER COUNTY  
(H,Hw) - See Statewide

CUSTER COUNTY  
(H,Hw) - See Statewide

DELAWARE COUNTY  
(H,Hw) - See Statewide

DEWEY COUNTY  
(H,Hw) - See Statewide

ELLIS COUNTY  
(H,Hw) - See Statewide

GARFIELD COUNTY  
(H,Hw) - See Statewide

Decision #AR-85 (8)  
39 FR 42801 - 12/6/74

Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14214 - 3/28/75  
Mod. #3 - 40 FR 16494 - 4/11/75  
Mod. #4 - 40 FR 18283 - 4/25/75

(H,Hw) - See Statewide

GARVIN COUNTY  
(H,Hw) - See Statewide

GRADY COUNTY  
(B) - See Canadian County

(H,Hw) - See Statewide

GRANT COUNTY  
(H,Hw) - See Statewide

GREER COUNTY  
(H,Hw) - See Statewide

HARSON COUNTY  
(H,Hw) - See Statewide

HARPER COUNTY  
(H,Hw) - See Statewide

HASKELL COUNTY  
(H,Hw) - See Statewide

HUGHES COUNTY  
(H,Hw) - See Statewide

JACKSON COUNTY  
(H,Hw) - See Statewide

JEFFERSON COUNTY  
(H,Hw) - See Statewide

JOHNSTON COUNTY  
(H,Hw) - See Statewide

KAY COUNTY  
(H,Hw) - See Statewide

KINGFISHER COUNTY  
(B) - See Canadian County

KIOWA COUNTY  
(H,Hw) - See Statewide

LATIMER COUNTY  
(H,Hw) - See Statewide

LEFLORE COUNTY  
(H,Hw) - See Statewide

LINCOLN COUNTY  
(H,Hw) - See Statewide

(H,Hw) - See Statewide

(B,R) - See Canadian County

LOVE COUNTY  
(H,Hw) - See Statewide

Decision #AR-85 (8)  
39 FR 42801 - 12/6/74

Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14214 - 3/28/75  
Mod. #3 - 40 FR 16494 - 4/11/75  
Mod. #4 - 40 FR 18283 - 4/25/75

(H,Hw) - See Statewide

MAJOR COUNTY  
(H,Hw) - See Statewide

MARSHALL COUNTY  
(H,Hw) - See Statewide

MAYES COUNTY  
(H,Hw) - See Statewide

MURRAY COUNTY  
(H,Hw) - See Statewide

MUSKOGEE COUNTY  
(H,Hw) - See Statewide

(B) - See Adair County

NOBLE COUNTY  
(H,Hw) - See Statewide

NOWATA COUNTY  
(H,Hw) - See Statewide

OKFUSKEE COUNTY  
(H,Hw) - See Statewide

OKLAHOMA COUNTY  
(B,R) - See Canadian County

(H,Hw) - See Statewide

OKMULGEE COUNTY  
(H,Hw) - See Statewide

OSAGE COUNTY  
(H,Hw) - See Statewide

OTTAWA COUNTY  
(H,Hw) - See Statewide

PANTEE COUNTY  
(H,Hw) - See Statewide

PAYNE COUNTY  
(H,Hw) - See Statewide

PITTSBURG COUNTY  
(H,Hw) - See Statewide

Decision #AR-88 (B)  
39 FR 43454 - 12/13/74

McCLAIN COUNTY  
(H,Hw) - See Statewide

McCURTAIN COUNTY  
(B) - See Canadian County

McINTOSH COUNTY  
(H,Hw) - See Statewide

Decision #AR-B9 (8)  
39 FR 43456 - 12/13/74

Mod. #1 - 40 FR 6905 - 2/14/75  
Mod. #2 - 40 FR 14215 - 3/28/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

MAJOR COUNTY  
(H,Hw) - See Statewide

MARSHALL COUNTY  
(H,Hw) - See Statewide

MAYES COUNTY  
(H,Hw) - See Statewide

MURRAY COUNTY  
(H,Hw) - See Statewide

MUSKOGEE COUNTY  
(H,Hw) - See Statewide

(B) - See Adair County

NOBLE COUNTY  
(H,Hw) - See Statewide

NOWATA COUNTY  
(H,Hw) - See Statewide

OKFUSKEE COUNTY  
(H,Hw) - See Statewide

OKLAHOMA COUNTY  
(B,R) - See Canadian County

(H,Hw) - See Statewide

OKMULGEE COUNTY  
(H,Hw) - See Statewide

OSAGE COUNTY  
(H,Hw) - See Statewide

OTTAWA COUNTY  
(H,Hw) - See Statewide

PANTEE COUNTY  
(H,Hw) - See Statewide

PAYNE COUNTY  
(H,Hw) - See Statewide

PITTSBURG COUNTY  
(H,Hw) - See Statewide

Decision #AR-88 (B)  
39 FR 43454 - 12/13/74

Mod. #1 - 40 FR 2381 - 1/10/75  
Mod. #2 - 40 FR 6906 - 2/14/75  
Mod. #3 - 40 FR 15277 - 4/4/75  
Mod. #4 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

PONTOTOC COUNTY  
(H,Hw) - See Statewide

POTTAWATOMIE COUNTY  
(H,Hw) - See Statewide

(B,R) - See Canadian County

PUSHMATAHA COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

ROGER MILLS COUNTY  
(H,Hw) - See Statewide

ROGERS COUNTY  
(H,Hw) - See Statewide

SEMINOLE COUNTY  
(H,Hw) - See Statewide

(B) - See Canadian County

SEMOYIAH COUNTY  
(H,Hw) - See Statewide

STEPHENS COUNTY  
(H,Hw) - See Statewide

TEXAS COUNTY  
(H,Hw) - See Statewide

TILLMAN COUNTY  
(H,Hw) - See Statewide

TULSA COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4050 (B)  
40 FR 6115 - 2/7/75

Mod. #1 - 40 FR 7800 - 2/21/75  
Mod. #2 - 40 FR 10882 - 3/7/75  
Mod. #3 - 40 FR 16495 - 4/11/75

(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide

Decision #AR-93 (B)  
40 FR 44903 - 12/27/74

Mod. #1 - 40 FR 5985 - 2/7/75  
Mod. #2 - 40 FR 15277 - 4/4/75  
Mod. #3 - 40 FR 16494 - 4/11/75

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WASHITA COUNTY  
(H,Hw) - See Statewide

WOODS COUNTY  
(H,Hw) - See Statewide

WOODWARD COUNTY  
(H,Hw) - See Statewide

Decision #OK75-4015 (R)  
40 FR 3150 - 1/17/75

WAGONER COUNTY  
(H,Hw) - See Statewide



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OREGON (Cont'd)

ONE CON

WALHEUR COUNTY  
(B,H,Hw,D) - See Statewide  
WARREN COUNTY  
(R) - See Lane County  
(B,H,Hw,D) - See Statewide  
WYOMING COUNTY  
(B,H,Hw,D) - See Statewide  
MULTNOMAH COUNTY  
(R) - See Clackamas County  
(B,H,Hw,D) - See Statewide  
POLK COUNTY  
(B,H,Hw,D) - See Statewide  
SHERMAN COUNTY  
(B,H,Hw,D) - See Statewide  
TILLAMOOK COUNTY  
(B,H,Hw,D) - See Statewide  
UMATILLA COUNTY  
(B,H,Hw,D) - See Statewide  
UNION COUNTY  
(B,H,Hw,D) - See Statewide  
WALLOWA COUNTY  
(B,H,Hw,D) - See Statewide  
WASCO COUNTY  
(B,H,Hw,D) - See Statewide  
WASHINGTON COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clackamas County  
WHEELER COUNTY  
(B,H,Hw,D) - See Statewide  
YAMHILL COUNTY  
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY  
Decision #AR-2029 (H,Hw)  
39 FR 31853 - 8/30/74  
Mod. #1 - 39 FR 41660 - 11/29/74  
Mod. #2 - 39 FR 43466 - 12/13/74  
Decision #AR-2099 (B)  
39 FR 44931 - 12/27/74  
Mod. #1 - 40 FR 4790 - 1/31/75  
Mod. #2 - 40 FR 5986 - 2/17/75  
Mod. #3 - 40 FR 15282 - 4/4/75  
Mod. #4 - 40 FR 22740 - 5/23/75  
ALLEGHENY COUNTY  
Decision #AR-2D33 (B)  
39 FR 35048 - 9/27/74  
Mod. #1 - 39 FR 44157 - 12/29/74  
Mod. #2 - 40 FR 15279 - 4/4/75  
Decision #AQ-2049 (R)  
39 FR 5043 - 2/8/74  
(H,Hw) - See Beaver County

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OREGON (Cont'd)

ONE CON

ARMSTRONG COUNTY	
Decision #PA75-3029 (H,Hw)	
4D FR 15318 - 4/4/75	
Mod. #1 - 40 FR 17471 - 4/18/75	
Mod. #2 - 4D FR 19332 - 5/2/75	
Decision #AR-2034 (B)	
39 FR 35051 - 9/27/74	
Mod. #1 - 39 FR 44157 - 12/20/74	
Mod. #2 - 4D FR 4789 - 1/31/75	
Mod. #3 - 4D FR 15278 - 4/4/75	
BEAVER COUNTY	
-Decision #PA75-3026 (H,Hw)	
40 FR 14266 - 3/28/75	
Mod. #1 - 40 FR 17467 - 4/18/75	
Decision #PA75-3032 (B)	
40 FR 12055 - 3/14/75	
Mod. #1 - 40 FR 15282 - 4/4/75	
8EDFORD COUNTY	
Decision #PA75-3028 (H,Hw)	
40 FR 15313 - 4/4/75	
Mod. #1 - 4D FR 17468 - 4/18/75	
Decision #AQ-2004 (B)	
39 FR 11808 - 3/29/74	
Mod. #1 - 39 FR 13411 - 4/12/74	
Mod. #2 - 39 FR 20919 - 6/14/74	
Mod. #3 - 39 FR 28008 - 8/2/74	
Mod. #4 - 39 FR 37332 - 10/18/74	
Mod. #5 - 39 FR 44158 - 12/20/74	
Mod. #6 - 40 FR 15278 - 4/4/75	
Mod. #7 - 40 FR 22737 - 5/23/75	
8ERKS COUNTY	
Decision #AR-2027 (B)	
39 FR 3185D - 8/30/74	
Mod. #1 - 39 FR 44911 - 12/27/74	
Mod. #2 - 40 FR 59 86 - 2/1/75	
Mod. #3 - 40 FR 14216 - 3/28/75	
(H,Hw) - See Adams County	
8LAIR COUNTY	
Decision #PA75-3057 (B)	
40 FR 23686 - 5/30/75	
(H,Hw) - See Armstrong County	
3RADFORD COUNTY	
(H,Hw) - See Adams County	
BUCKS COUNTY	
Decision #PA75-3011 (B)	
4D FR 4781 - 1/31/75	
Mod. #1 - 4D FR 12016 - 3/14/75	
Mod. #2 - 40 FR 17466 - 4/18/75	
Mod. #3 - 40 FR 24460 - 6/6/75	
Decision #AR-2006 (R)	
39 FR 25905 - 7/12/74	
Mod. #1 - 39 FR 28012 - 8/2/74	
Mod. #2 - 39 FR 38814 - 11/1/74	
Mod. #3 - 40 FR 12015 - 3/14/75	
Mod. #4 - 40 FR 17466 - 4/18/75	
Mod. #5 - 40 FR 24460 - 6/6/75	
Decision #AR-2028 (H,Hw)	
39 FR 33984 - 9/20/74	
Mod. #1 - 40 FR 17464 - 4/18/75	
Mod. #2 - 40 FR 24460 - 6/6/75	

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OREGON (Cont'd)

ONE CON

<b>BUTLER COUNTY</b>		
Decision #AR-2036 (B)		
39 FR 33988 - 9/20/74		
Mod. #1 - 39 FR 4111 - 11/22/74		
Mod. #2 - 39 FR 44912 - 12/27-74		
Mod. #3 - 40 FR 15279 - 4/4/75		
Mod. #4 - 40 FR 18283 - 4/25/75		
Decision #PA75-3051 (H,Hw)		
40 FR 17533 - 4/18/75		
<b>CAMBRIA COUNTY</b>		
Decision #AQ-2081 (B)		
39 FR 11805 - 3/29/74		
Mod. #1 - 39 FR 20919 - 6/14/74		
Mod. #2 - 39 FR 28008 - 8/2/74		
Mod. #3 - 39 FR 37331 - 10/18/74		
Mod. #4 - 39 FR 44158 - 12/20/74		
Mod. #5 - 40 FR 4790 - 1/31/75		
Mod. #6 - 40 FR 12956 - 3/21/75		
Mod. #7 - 40 FR 22736 - 5/23/75		
(H,Hw) - See Butler County		
<b>CAMERON COUNTY</b>		
Decision #PA75-3D21 (B)		
40 FR 12947 - 3/21/75		
Mod. #1 - 40 FR 15282 - 4/4/75		
Mod. #2 - 40 FR 16495 - 4/11/75		
Mod. #3 - 40 FR 22741 - 5/23/75		
(H,Hw) - See Bedford County		
<b>CARBON COUNTY</b>		
(H,Hw) - See Adams County		
<b>CENTRE COUNTY</b>		
Decision #AQ-2061 (H,Hw)		
39 FR 6008 - 2/15/74		
Mod. #1 - 39 FR 9357 - 3/8/74		
Mod. #2 - 39 FR 14121 - 4/19/74		
Mod. #3 - 39 FR 22373 - 6/21/74		
Mod. #4 - 39 FR 33918 - 9/20/74		
<b>CHESTER COUNTY</b>		
(H,Hw,R) - See Bucks County		
Decision #AR-2003 (B)		
39 FR 25895 - 7/12/74		
Mod. #1 - 39 FR 28012 - 8/2/74		
Mod. #2 - 39 FR 38813 - 11/1/74		
Mod. #3 - 40 FR 12014 - 3/14/75		
Mod. #4 - 40 FR 17465 - 4/18/75		
Mod. #5 - 40 FR 24459 - 6/6/75		
<b>CLARION COUNTY</b>		
(B) - See Cameron County		
(H,Hw) - See Bedford County		
<b>CLEARFIELD COUNTY</b>		
(B) - See Cameron County		
(H,Hw) - See Centre County		
<b>CLINTON COUNTY</b>		
(H,Hw) - See Bedford County		
<b>COLUMBIA COUNTY</b>		
(H,Hw) - See Adams County		
<b>CRAWFORD COUNTY</b>		
Decision #AR-2098 (B)		
39 FR 44928 - 12/27/74		
Mod. #1 - 40 FR 15282 - 4/4/75		
Mod. #2 - 40 FR 22740 - 5/23/75		
(H,Hw) - See Armstrong County		



## PENNSYLVANIA (Cont'd.)

CUMBERLAND COUNTY  
Decision #PA75-3027 (B)  
40 FR 14268 - 3/28/75  
Mod. #1 - 40 FR 22741 - 5/23/75  
(H,Hw) - See Adams County

DELAWARE COUNTY  
Decision #AR-2002 (B)  
39 FR 25092 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 38813 - 11/1/74  
Mod. #3 - 40 FR 10882 - 3/7/75  
Mod. #4 - 40 FR 17465 - 4/18/75  
Mod. #5 - 40 FR 24459 - 6/6/75  
(R,H,Hw) - See Bucks County

ELK COUNTY  
Decision #AQ-2046 (B)  
39 FR 9338 - 3/8/74  
Mod. #1 - 39 FR 18408 - 5/24/74  
Mod. #2 - 39 FR 20919 - 6/14/74  
Mod. #3 - 39 FR 28008 - 8/2/74  
Mod. #4 - 39 FR 37333 - 10/18/74  
Mod. #5 - 39 FR 44158 - 12/20/74  
Mod. #6 - 40 FR 15277 - 4/4/75  
Mod. #7 - 40 FR 22736 - 5/23/75  
(H,Hw) - See Bedford County

ERIE COUNTY  
Decision #AR-2094 (B)  
39 FR 43491 - 12/13/74  
Mod. #1 - 40 FR 15281 - 4/4/75  
(H,Hw) - See Butler County

FAYETTE COUNTY  
(B) - See Butler County  
(H,Hw) - See Butler County

FOREST COUNTY  
Decision #AQ-2121 (B)  
39 FR 18398 - 5/24/74  
Mod. #1 - 39 FR 2020 - 6/14/74  
Mod. #2 - 39 FR 28008 - 8/2/74  
Mod. #3 - 39 FR 37332 - 10/18/74  
Mod. #4 - 39 FR 38812 - 11/1/74  
Mod. #5 - 39 FR 44911 - 12/27/74  
Mod. #6 - 40 FR 15278 - 4/4/75  
Mod. #7 - 40 FR 22737 - 5/23/75  
(H,Hw) - See Bedford County

FRANKLIN COUNTY  
Decision #AR-2001 (B)  
39 FR 24803 - 7/5/74  
Mod. #1 - 39 FR 26562 - 7/19/74  
Mod. #2 - 39 FR 28010 - 8/2/74  
Mod. #3 - 39 FR 40406 - 11/15/74  
Mod. #4 - 39 FR 44157 - 12/20/74  
(H,Hw) - See Bedford County

FULTON COUNTY  
(H,Hw) - See Bedford County

GREENE COUNTY  
(H,Hw) - See Centre County

HUNTINGDON COUNTY  
(H,Hw) - See Bedford County

INDIANA COUNTY  
Decision #AR-2037 (B)  
39 FR 31859 - 8/30/74

## PENNSYLVANIA (CONT'D.)

INDIANA COUNTY (Cont'd.)  
Mod. #1 - 39 FR 44912 - 12/27/74  
Mod. #2 - 40 FR 4789 - 1/31/75  
Mod. #3 - 40 FR 15279 - 4/4/75  
(H,Hw) - See Armstrong County

JEFFERSON COUNTY  
(B) - See Cameron County  
(H,Hw) - See Centre County

JUNIATA COUNTY  
(B) - See Cumberland County  
(H,Hw) - See Adams County

LACKAWANNA COUNTY  
Decision #AR-2092 (B)  
39 FR 41701 - 11/29/74  
Mod. #1 - 40 FR 5986 - 2/7/75  
Mod. #2 - 40 FR 15281 - 4/4/75  
Mod. #3 - 40 FR 18283 - 4/25/75  
Mod. #4 - 40 FR 20561 - 5/9/75

LANCASTER COUNTY  
Decision #AR-2030 (B)  
39 FR 31857 - 8/30/74  
Mod. #1 - 39 FR 40406 - 11/15/74  
Mod. #2 - 39 FR 44912 - 12/27/74  
Mod. #3 - 40 FR 4789 - 1/31/75  
Mod. #4 - 40 FR 5986 - 2/7/75  
Mod. #5 - 40 FR 14215 - 3/28/75  
Mod. #6 - 40 FR 22739 - 5/23/75  
(H,Hw) - See Adams County

LAWRENCE COUNTY  
Decision #AR-2045 (B)  
39 FR 37345 - 10/18/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 15280 - 4/4/75  
(H,Hw) - See Butler County

LEBANON COUNTY  
Decision #PA75-3053 (B)  
40 FR 22782 - 5/23/75

LEHIGH COUNTY  
Decision #PA75-3019 (B)  
40 FR 8755 - 2/28/75  
Mod. #1 - 40 FR 14216 - 3/28/75  
(H,Hw) - See Adams County

LUZERNE COUNTY  
Decision #PA75-3025 (B)  
40 FR 12982 - 3/21/75  
(H,Hw) - See Adams County

LYCOMING COUNTY  
Decision #AQ-2079 (B)  
39 FR 11803 - 3/29/74  
Mod. #1 - 39 FR 30667 - 8/23/74  
Mod. #2 - 39 FR 40407 - 11/15/74  
Mod. #3 - 40 FR 12016 - 3/14/75  
Mod. #4 - 40 FR 15278 - 4/4/75  
Mod. #5 - 40 FR 19331 - 5/2/75  
(H,Hw) - See Adams County

MC KEAN COUNTY  
(B) - See Adams County  
(H,Hw) - See Forest County

MERCER COUNTY  
Decision #AR-2046 (B)  
39 FR 37349 - 10/18/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 15281 - 4/4/75  
(H,Hw) - See Butler County

## PENNSYLVANIA (Cont'd.)

MIFFLIN COUNTY  
(H,Hw) - See Bedford County

MONROE COUNTY  
(H,Hw) - See Adams County

MONTGOMERY COUNTY  
Decision #AR-2004 (B)  
39 FR 25898 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 37333 - 10/18/74  
Mod. #3 - 39 FR 38813 - 11/1/74  
Mod. #4 - 40 FR 12014 - 3/14/75  
Mod. #5 - 40 FR 17465 - 4/18/75  
Mod. #6 - 40 FR 24460 - 6/6/75  
(H,Hw,R) - See Bucks County

MONTGOMERY COUNTY  
(H,Hw) - See Adams County

NORTHAMPTON COUNTY  
Decision #PA75-3015 (B)  
40 FR 6947 - 2/14/75  
Mod. #1 - 40 FR 6947 - 2/14/75  
Mod. #2 - 40 FR 15282 - 4/4/75  
(H,Hw) - See Adams County

NORTHUPPER MERION COUNTY  
Decision #AR-2095 (B)  
39 FR 43494 - 12/13/74  
Mod. #1 - 40 FR 12016 - 3/14/75  
Mod. #2 - 40 FR 22739 - 5/23/75  
(H,Hw) - See Adams County

PERRY COUNTY  
(H,Hw) - See Adams County

PHILADELPHIA COUNTY  
Decision #AR-2005 (B)  
39 FR 25902 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 38814 - 11/1/74  
Mod. #3 - 40 FR 12015 - 3/14/75  
Mod. #4 - 40 FR 17465 - 4/18/75  
Mod. #5 - 40 FR 24460 - 6/6/75  
Decision #CT75-5045 (O)  
40 FR 15294 - 4/4/75  
(H,Hw,R) - See Bucks County

PIKE COUNTY  
(H,Hw) - See Adams County

POTTER COUNTY  
(H,Hw) - See Bedford County

SCHUYLKILL COUNTY  
Decision #PA75-3017 (B)  
40 FR 7854 - 2/21/75  
Mod. #1 - 40 FR 15282 - 4/4/75  
Mod. #2 - 40 FR 19331 - 5/2/75  
Mod. #3 - 40 FR 22741 - 5/23/75  
(H,Hw) - See Adams County

SNYDER COUNTY  
(H,Hw) - See Adams County

SOMERSET COUNTY  
(H,Hw) - See Butler County

SULLIVAN COUNTY  
Decision #AQ-2070 (B)  
39 FR 10070 - 3/15/74  
Mod. #1 - 39 FR 26562 - 7/19/74  
Mod. #2 - 39 FR 44911 - 12/27/74  
Mod. #3 - 40 FR 4789 - 1/31/75

## PENNSYLVANIA (Cont'd.)

SULLIVAN COUNTY (Cont'd.)  
Mod. #4 - 40 FR 15278 - 4/4/75  
Mod. #5 - 40 FR 24459 - 6/6/75  
(H,Hw) - See Adams County

SUSQUEHANNA COUNTY  
(B) - See Lackawanna County  
(H,Hw) - See Adams County

TIOGA COUNTY  
(H,Hw) - See Adams County

UNION COUNTY  
(H,Hw) - See Adams County

VENANGO COUNTY  
Decision #AQ-2043 (B)  
39 FR 7011 - 2/22/74  
Mod. #1 - 39 FR 18408 - 5/24/74  
Mod. #2 - 39 FR 20919 - 6/14/74  
Mod. #3 - 39 FR 28008 - 8/2/74  
Mod. #4 - 39 FR 41110 - 11/22/74  
Mod. #5 - 40 FR 15277 - 4/4/75  
Mod. #6 - 40 FR 22736 - 5/23/75  
(H,Hw) - See Armstrong County

WARREN COUNTY  
Decision #AQ-2085 (B)  
39 FR 14115 - 4/19/74  
Mod. #1 - 39 FR 20920 - 6/14/74  
Mod. #2 - 39 FR 28008 - 8/2/74  
Mod. #3 - 39 FR 37332 - 10/18/74  
Mod. #4 - 39 FR 38811 - 11/1/74  
Mod. #5 - 39 FR 44911 - 12/27/74  
Mod. #6 - 40 FR 22739 - 5/23/75  
(H,Hw) - See Armstrong County

WASHINGTON COUNTY  
Decision #AR-2039 (B)  
39 FR 35054 - 9/27/74  
Mod. #1 - 39 FR 44912 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75  
Mod. #3 - 40 FR 15280 - 4/4/75  
(H,Hw) - See Butler County

WAYNE COUNTY  
(H,Hw) - See Adams County

WESTMORELAND COUNTY  
Decision #AR-2038 (B)  
39 FR 31862 - 8/30/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75  
Mod. #3 - 40 FR 15280 - 4/4/75  
(H,Hw) - See Butler County

WYOMING COUNTY  
(H,Hw) - See Adams County

YORK COUNTY  
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)  
(8) - See Cumberland County (New Cumberland Depot)  
(H,Hw) - See Adams County (New Cumberland Depot)  
(B) - See Lackawanna County



STATEWIDE

Decision #AR-2016 (R)  
39 FR 28859 - 8/9/74  
Decision #AQ-2052 (B)  
39 FR 5161 - 2/8/74  
Decision #AQ-2019 (H,Hw)  
32 FR 24847 - 9/14/73  
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE

Decision #C175-5045 (D)  
40 FR 15294 - 4/4/75  
Decision #R175-2031 (B,H,Hw,R, & Marine)  
40 FR 6128 - 2/7/75  
Mod. #1 - 40 FR 12017 - 3/14/75  
(D) - See Statewide

KENT COUNTY

(B,H,Hw, & Marine) - See Bristol County

REPORT COUNTY

(D) - See Statewide  
Decision #R175-2032 (B,H,Hw,R, & Marine)  
40 FR 6132 - 2/7/75  
Mod. #1 - 40 FR 12017 - 3/14/75

PROVIDENCE COUNTY

(D) - See Statewide

WASHINGTON COUNTY

(B,H,Hw,R, & Marine) - See Bristol County

WASHINGTON COUNTY

(D) - See Statewide  
Decision #R175-2033 (B,H,Hw,R, & Marine)  
40 FR 6124 - 2/7/75  
Mod. #1 - 40 FR 12017 - 3/14/75  
Mod. #2 - 40 FR 14216 - 3/28/75  
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE

Decision #SC75-1031 (H,Hw)  
40 FR 12058 - 3/14/75  
Decision #AP-157 (Sewer & Water)  
38 FR 4619 - 2/16/73  
Decision #AR-4003 (B)  
39 FR 26554 - 7/19/74  
(Sewer & Water, H,Hw) - See Statewide  
AIKEN COUNTY  
Decision #SC75-1029 (R)  
40 FR 10900 - 3/7/75  
(Sewer & Water, H,Hw) - See Statewide  
ALLENDALE COUNTY  
Decision #SC75-1045 (R)  
40 FR 16636 - 4/11/75  
(Sewer & Water, H,Hw) - See Statewide  
ANDERSON COUNTY  
Decision #SC75-1004 (R)  
40 FR 3154 - 1/17/75  
(Sewer & Water, H,Hw) - See Statewide  
BAMBERG COUNTY  
(R) - See Allendale County  
(Sewer & Water, H,Hw) - See Statewide  
BARNWELL COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,Hw) - See Statewide  
BEAUFORT COUNTY  
Decision #SC75-1026 (B)  
40 FR 8692 - 2/28/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
Decision #MD75-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
(Sewer & Water, H,Hw) - See Statewide  
BERKELEY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
Decision #SC75-1021 (R)  
40 FR 7859 - 2/21/75  
Decision #AR-4045 (B)  
39 FR 37327 - 10/18/74  
Mod. #1 - 39 FR 41662 - 11/29/74  
Mod. #2 - 40 FR 3087 - 1/17/75  
Mod. #3 - 40 FR 4790 - 1/31/75

CALHOUN COUNTY

(R) - See Allendale County  
(Sewer & Water, H,Hw) - See Statewide  
CHARLESTON COUNTY  
(R) - See Berkeley County  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Berkeley County  
CHEROKEE COUNTY  
Decision #SC75-1017 (R)  
40 FR 4785 - 1/31/75  
Mod. #1 - 40 FR 12017 - 3/14/75  
(B) - See Abbeville County  
CHESTER COUNTY  
Decision #AR-4009 (B)  
39 FR 25778 - 7/12/74  
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

CHESTERFIELD COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
CLARENDON COUNTY  
Decision #AR-4052 (R)  
39 FR 39671 - 11/8/74  
(Sewer & Water, H,Hw) - See Statewide  
COLLETON COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
Decision #AR-4052 (R)  
39 FR 39671 - 11/8/74  
DARLINGTON COUNTY  
Decision #SC75-1041 (B)  
40 FR 14194 - 3/28/75  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide  
DILLON COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide  
DUNSTON COUNTY  
(R) - See Berkeley County  
EDGEFIELD COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,Hw) - See Statewide  
FAIRFIELD COUNTY  
(B) - See Chester County  
(Sewer & Water, H,Hw) - See Statewide  
FLORENCE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide  
GEORGETOWN COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
GREENVILLE COUNTY  
Decision #SC75-1038 (B)  
40 FR 12951 - 3/21/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
(R) - See Anderson County  
(Sewer & Water, H,Hw) - See Statewide  
GREENWOOD COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
HAMPTON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
HORRY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
JASPER COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide  
KERSHAW COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
LANCASTER COUNTY  
(B) - See Chester County  
(Sewer & Water, H,Hw) - See Statewide  
LAURENS COUNTY  
(B) - See Abbeville County  
(Sewer & Water, H,Hw) - See Statewide  
LEE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

NOTICES



LEXINGTON COUNTY  
Decision #AR-4004 (R)  
39 FR 24779 - 7/5/74  
Decision #SC75-1042 (R)  
40 FR 14271 - 3/28/75  
(Sewer & Water, H, Hw) - See Statewide  
McCORMICK COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
MARION COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H, Hw) - See Statewide  
MARLBORO COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H, Hw) - See Statewide  
NEWBERRY COUNTY  
(B) - See Abbeville County  
(Sewer & Water, H, Hw) - See Statewide  
OCONEE COUNTY  
(R) - See Anderson County  
(Sewer & Water, H, Hw) - See Statewide  
ORANGEBURG COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Allendale County  
PICKENS COUNTY  
(R) - See Anderson County  
(Sewer & Water, H, Hw) - See Statewide  
RICHLAND COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(B) - See Lexington County  
(R) - See Lexington County  
SALUDA COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
SPARTANBURG COUNTY  
(R) - See Cherokee County  
(Sewer & Water, H, Hw) - See Statewide  
SUMTER COUNTY  
Decision #AQ-4097 (B)  
39 FR 12581 - 4/5/74  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Clarendon County  
UNION COUNTY  
(R) - See Cherokee County  
(Sewer & Water, H, Hw) - See Statewide  
(B) - See Abbeville County  
WILLIAMSBURG COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H, Hw) - See Statewide  
YORK COUNTY  
(Sewer & Water, H, Hw) - See Statewide

STATEWIDE  
Decision #SD75-5013 (H, Hw)  
40 FR 4858 - 1/31/75  
AURORA COUNTY  
(H, Hw) - See Statewide  
BEADLE COUNTY  
(H, Hw) - See Statewide  
BENNETT COUNTY  
(H, Hw) - See Statewide  
BON HOMME COUNTY  
(H, Hw) - See Statewide  
BROOKINGS COUNTY  
(H, Hw) - See Statewide  
BROWN COUNTY  
(H, Hw) - See Statewide  
BRULE COUNTY  
(H, Hw) - See Statewide  
BUFFALO COUNTY  
(H, Hw) - See Statewide  
BUTTE COUNTY  
(H, Hw) - See Statewide  
CAMPBELL COUNTY  
(H, Hw) - See Statewide  
CHARLES MIX COUNTY  
(H, Hw) - See Statewide  
CLARK COUNTY  
(H, Hw) - See Statewide  
CLAY COUNTY  
(H, Hw) - See Statewide  
CODINGTON COUNTY  
(H, Hw) - See Statewide  
CORSON COUNTY  
(H, Hw) - See Statewide  
CUSTER COUNTY  
(H, Hw) - See Statewide  
DAVISON COUNTY  
(H, Hw) - See Statewide  
DAY COUNTY  
(H, Hw) - See Statewide  
DEUEL COUNTY  
(H, Hw) - See Statewide  
DEWEY COUNTY  
(H, Hw) - See Statewide  
DOUGLAS COUNTY  
(H, Hw) - See Statewide  
EDMUNDS COUNTY  
(H, Hw) - See Statewide  
FALL RIVER COUNTY  
(H, Hw) - See Statewide  
FAULK COUNTY  
(H, Hw) - See Statewide  
GRANT COUNTY  
(H, Hw) - See Statewide  
GREGORY COUNTY  
(H, Hw) - See Statewide  
HAAKON COUNTY  
(H, Hw) - See Statewide

HAMLIN COUNTY  
(H, Hw) - See Statewide  
HAND COUNTY  
(H, Hw) - See Statewide  
HANSON COUNTY  
(H, Hw) - See Statewide  
HARDING COUNTY  
(H, Hw) - See Statewide  
HUGHES COUNTY  
(H, Hw) - See Statewide  
HUTCHINSON COUNTY  
(H, Hw) - See Statewide  
HYDE COUNTY  
(H, Hw) - See Statewide  
JACKSON COUNTY  
(H, Hw) - See Statewide  
JERAULD COUNTY  
(H, Hw) - See Statewide  
JONES COUNTY  
(H, Hw) - See Statewide  
KINGSBURY COUNTY  
(H, Hw) - See Statewide  
LAKE COUNTY  
(H, Hw) - See Statewide  
LAWRENCE COUNTY  
(H, Hw) - See Statewide  
LINCOLN COUNTY  
(H, Hw) - See Statewide  
LYMAN COUNTY  
(H, Hw) - See Statewide  
MARSHALL COUNTY  
(H, Hw) - See Statewide  
MC COOK COUNTY  
(H, Hw) - See Statewide  
MC PHERSON COUNTY  
(H, Hw) - See Statewide  
MEADE COUNTY  
Decision #SD75-5044 (B)  
40 FR 15327 - 4/4/75  
(H, Hw) - See Statewide  
MELLETTE COUNTY  
(H, Hw) - See Statewide  
MINER COUNTY  
(H, Hw) - See Statewide  
MINNEHAHA COUNTY  
Decision #SD75-5043 (B)  
40 FR 15326 - 4/4/75  
(H, Hw) - See Statewide  
Decision #AQ-1091 (R)  
39 FR 8146 - 3/1/74  
Mod. #1 - 39 FR 14856 - 4/26/74  
(H, Hw) - See Statewide  
MOODY COUNTY  
(H, Hw) - See Statewide  
PEWINGTON COUNTY  
(B) - See Meade County  
(H, Hw) - See Statewide



## TENNESSEE (CONT'D.)

CLAY COUNTY  
(F,Hw) - See Statewide  
COCKE COUNTY  
(F,Hw) - See Statewide  
COFFEE COUNTY  
(F,Hw) - See Statewide  
CROCKETT COUNTY  
(D) - See Carroll County  
(F,Hw) - See Statewide  
CUMBERLAND COUNTY  
(F,Hw) - See Statewide  
DAVIDSON COUNTY  
Decision #AR-4021 (B)  
39 FR 31868 - 8/30/74  
Mod. #1 - 39 FR 38815 - 11/1/74  
Mod. #2 - 39 FR 42813 - 12/6/74  
Mod. #3 - 40 FR 3088 - 1/17/75  
Mod. #4 - 40 FR 6910 - 2/14/75  
(R) - See Cheatham County  
(F,Hw) - See Statewide  
DECATUR COUNTY  
(F,Hw) - See Statewide  
DEKALB COUNTY  
(F,Hw) - See Statewide  
DICKSON COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County  
DYER COUNTY  
Decision #AQ-4073 (B)  
39 FR 5947 - 2/15/74  
Mod. #1 - 39 FR 9357 - 3/8/74  
(F,Hw) - See Statewide  
(D) - See Carroll County  
FAYETTE COUNTY  
(D) - See Carroll County  
(F,Hw) - See Statewide  
FENTRESS COUNTY  
(F,Hw) - See Statewide  
FRANKLIN COUNTY  
(F,Hw) - See Statewide  
GIBSON COUNTY  
(D) - See Carroll County  
(F,Hw) - See Statewide  
(B) - See Dyer County

## TENNESSEE

STATEWIDE  
Decision #AR75-5032 (F)  
40 FR 8706 - 2/28/75  
Decision #AR-4046 (Hw)  
40 FR 940 - 1/3/75  
ANDERSON COUNTY  
Decision #TN75-1053 (B)(Oak Ridge  
Energy Research Development  
Administration Only)  
40 FR 24464 - 6/6/75  
(Hw) - See Statewide  
(F) - See Statewide  
BEDFORD COUNTY  
(F,Hw) - See Statewide  
BENTON COUNTY  
(F,Hw) - See Statewide  
BLEDSOE COUNTY  
(F,Hw) - See Statewide  
BLOUNT COUNTY  
(F,Hw) - See Statewide  
BRADLEY COUNTY  
(F,Hw) - See Statewide  
CAMPBELL COUNTY  
(F,Hw) - See Statewide  
CANNON COUNTY  
(F,Hw) - See Statewide  
CARROLL COUNTY  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
(F,Hw) - See Statewide  
CARTER COUNTY  
Decision #AP-104 (B)  
37 FR 13915 - 7/14/72  
Decision #AQ-4128 (R)  
39 FR 24198 - 6/28/74  
(F,Hw) - See Statewide  
CHEATHAM COUNTY  
Decision #AQ-4061 (R)  
39 FR 3426 - 1/25/74  
Mod. #1 - 40 FR 7800 - 2/21/75  
(F,Hw) - See Statewide  
CHESTER COUNTY  
(F,Hw) - See Statewide  
CLAIBORNE COUNTY  
(F,Hw) - See Statewide

## SOUTH DAKOTA (Cont'd)

PENNINGTON COUNTY  
(B) - See Meade County  
(H,Hw) - See Statewide  
PERKINS COUNTY  
(H,Hw) - See Statewide  
POTTER COUNTY  
(H,Hw) - See Statewide  
ROBERTS COUNTY  
(H,Hw) - See Statewide  
SANBORN COUNTY  
(H,Hw) - See Statewide  
SHANNON COUNTY  
(H,Hw) - See Statewide  
SPINK COUNTY  
(H,Hw) - See Statewide  
STANLEY COUNTY  
(H,Hw) - See Statewide  
SULLY COUNTY  
(H,Hw) - See Statewide  
TODD COUNTY  
(H,Hw) - See Statewide  
TRIPP COUNTY  
(H,Hw) - See Statewide  
TURNER COUNTY  
(H,Hw) - See Statewide  
UNION COUNTY  
(H,Hw) - See Statewide  
WALWORTH COUNTY  
(H,Hw) - See Statewide  
WASHAUAUGH COUNTY  
(H,Hw) - See Statewide  
YANKTON COUNTY  
(H,Hw) - See Statewide  
ZIEBACH COUNTY  
(H,Hw) - See Statewide



GILES COUNTY  
(F,Hw) - See Statewide

GRAINGER COUNTY  
(F,Hw) - See Statewide

GREENE COUNTY  
(F,Hw) - See Statewide

GRUNDY COUNTY  
(F,Hw) - See Statewide

HAMBLETON COUNTY  
(F,Hw) - See Statewide

HAMILTON COUNTY  
Decision #AR-4062 (B,H)  
39 FR 42828 - 12/16/74  
Mod. #1 - 40 FR 3088 - 1/17/75  
Mod. #2 - 40 FR 6910 - 2/14/75  
Mod. #3 - 40 FR 8698 - 2/28/75  
(F,Hw) - See Statewide

HANCOCK COUNTY  
(F,Hw) - See Statewide

HARDMAN COUNTY  
(F,Hw) - See Statewide

HARDIN COUNTY  
(D) - See Carroll County

HARDIN COUNTY  
(F,Hw) - See Statewide

HAWKINS COUNTY  
(F,Hw) - See Statewide

HAYWOOD COUNTY  
(D) - See Carroll County

HENDERSON COUNTY  
(F,Hw) - See Statewide

HENDRY COUNTY  
(F,Hw) - See Statewide

HICKMAN COUNTY  
(F,Hw) - See Statewide

HOUSTON COUNTY  
(F,Hw) - See Statewide

HUMPHREYS COUNTY  
(F,Hw) - See Statewide

JACKSON COUNTY  
(F,Hw) - See Statewide

JEFFERSON COUNTY  
(F,Hw) - See Statewide

JOHNSON COUNTY  
(F,Hw) - See Statewide

KNOX COUNTY  
Decision #TN75-1052  
40 FR 23688 - 5/30/75  
Decision #AQ-4051 (R)  
39 FR 2321 - 1/18/74  
(F,Hw) - See Statewide

LAKE COUNTY  
Decision #AQ-4074 (R)  
39 FR 5947 - 2/15/74  
(F,Hw) - See Statewide

LAUDERDALE COUNTY  
(D) - See Carroll County

LAWRENCE COUNTY  
(F,Hw) - See Statewide

LEWIS COUNTY  
(D) - See Cheatham County

LINCOLN COUNTY  
(F,Hw) - See Statewide

LOUDON COUNTY  
(F,Hw) - See Statewide

MC MINN COUNTY  
(F,Hw) - See Statewide

MC NAIRY COUNTY  
(F,Hw) - See Statewide

MACON COUNTY  
(F,Hw) - See Statewide

MADISON COUNTY  
Decision #TN75-1051 (B)  
40 FR 21666 - 5/16/75  
(O) - See Carroll County

MARION COUNTY  
(D) - See Carroll County

MARION COUNTY  
(F,Hw) - See Statewide

MARSHALL COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County

MAURY COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County

MEIGS COUNTY  
(F,Hw) - See Statewide  
(F,Hw) - See Statewide

MONROE COUNTY  
(F,Hw) - See Statewide  
(F,Hw) - See Statewide

MONTGOMERY COUNTY  
(F,Hw) - See Statewide

MOORE COUNTY  
(F,Hw) - See Statewide

MORGAN COUNTY  
(F,Hw) - See Statewide

OBION COUNTY  
(D) - See Lake County  
(F,Hw) - See Statewide

OVERTON COUNTY  
(F,Hw) - See Statewide

PERRY COUNTY  
(F,Hw) - See Statewide

PICKETT COUNTY  
(F,Hw) - See Statewide

POLK COUNTY  
(F,Hw) - See Statewide

PUTNAM COUNTY  
(F,Hw) - See Statewide

RHEA COUNTY  
(F,Hw) - See Statewide

ROANE COUNTY  
(B) - See Anderson Co. (Oak Ridge  
Energy Research Development  
Administration Only)

ROBERTSON COUNTY  
(F,Hw) - See Statewide

ROBERTSON COUNTY  
(R) - See Cheatham County

RUTHERFORD COUNTY  
Decision #AQ-4114 (B)  
39 FR 16980 - 5/10/74  
Mod. #1 - 39 FR 28013 - 8/2/74  
Mod. #2 - 39 FR 29726 - 8/16/74  
Mod. #3 - 39 FR 31782 - 8/30/74  
Mod. #4 - 40 FR 3088 - 1/17/75  
(F,Hw) - See Statewide  
(R) - See Cheatham County

SCOTT COUNTY  
(F,Hw) - See Statewide

SEQUATCHIE COUNTY  
(F,Hw) - See Statewide

SEVIER COUNTY  
(F,Hw) - See Statewide

SHELBY COUNTY  
Decision #TN75-1006 (B,H, & Utility  
40 FR 3155 - 1/17/75  
Mod. #1 - 40 FR 6911 - 2/14/75  
Decision #AP-152 (R)  
38 FR 4176 - 2/9/73  
(O) - See Carroll County  
(F,Hw) - See Statewide

SMITH COUNTY  
(F,Hw) - See Statewide

STEWART COUNTY  
(F,Hw) - See Statewide

SULLIVAN COUNTY  
Decision #AH-8623 (B)  
37 FR 12013 - 6/16/72  
Mod. #1 - 37 FR 23065 - 10/27/72  
Mod. #2 - 39 FR 11815 - 3/29/74  
Mod. #3 - 39 FR 17655 - 5/17/74  
(F,Hw) - See Statewide  
(R) - See Carter County

SUMNER COUNTY  
(F,Hw) - See Statewide

TIPTON COUNTY  
(D) - See Carroll County  
(F,Hw) - See Statewide

TROUSDALE COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County



## TENNESSEE (cont'd)

UNICOI COUNTY  
(F,Hw) - See Statewide  
UNION COUNTY  
(F,Hw) - See Statewide  
VAN BUREN COUNTY  
(F,Hw) - See Statewide  
WARREN COUNTY  
(F,Hw) - See Statewide  
WASHINGTON COUNTY  
Decision #AP-100 (B)  
37 FR 13419 - 7/7/72  
Mod. #1 - 37 FR 17316 - B/25/72  
Mod. #2 - 37 FR 22708 - 10/20/72  
(R) - See Carter County  
(F,Hw) - See Statewide  
WAYNE COUNTY  
(F,Hw) - See Statewide  
WEAKEY COUNTY  
(D) - See Carroll County  
(F,Hw) - See Statewide  
WHITE COUNTY  
(F,Hw) - See Statewide  
WILLIAMSON COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County  
WILSON COUNTY  
(F,Hw) - See Statewide  
(R) - See Cheatham County

## TEXAS

STATEWIDE (Excluding Dallas-Fort Worth  
Regional Airport)  
Decision #TX75-4086 (H (Excluding tunnels  
and dams), Hw  
Incidental shore work, and paving and  
utilities incidental to general  
building construction)  
40 FR 21667 - 5/16/75  
ANDERSON COUNTY  
(H,Hw) - See Statewide  
ANDREWS COUNTY  
(H,Hw) - See Statewide  
ANGELINA COUNTY  
(H,Hw) - See Statewide  
ARANSAS COUNTY  
(H,Hw) - See Statewide  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
ARCHER COUNTY  
(H,Hw) - See Statewide  
ARMSTRONG COUNTY  
Decision #TX75-4105 (B)  
40 FR 22797 - 5/23/75  
Decision #TX75-4090 (R)  
40 FR 21679 - 5/16/75  
Mod. #1 - 40 FR 23631  
(H,Hw) - See Statewide  
ATASCOSA COUNTY  
(H,Hw) - See Statewide  
AUSTIN COUNTY  
(H,Hw) - See Statewide  
BAILEY COUNTY  
(H,Hw) - See Statewide  
(H,Hw) - See Statewide  
Decision #TX75-4003 (R)  
40 FR 3158 - 1/17/75  
BANDERA COUNTY  
(H,Hw) - See Statewide  
BASTROP COUNTY  
Decision #AR-1 (R)  
39 FR 24809 - 7/5/74  
(H,Hw) - See Statewide  
BAYLOR COUNTY  
(H,Hw) - See Statewide  
BEE COUNTY  
Decision #TX75-4004 (R)  
40 FR 3160 - 1/17/75  
(H,Hw) - See Statewide  
BELL COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4110 (B)  
40 FR 23692 - 5/30/75  
BEXAR COUNTY  
Decision #AR-45 (B)  
39 FR 34015 - 9/20/74  
Mod. #1 - 39 FR 35915 - 10/4/74  
Mod. #2 - 39 FR 38675 - 1/8/74  
Mod. #3 - 39 FR 44158 - 12/20/74  
Decision #TX75-4109 (R)  
40 FR 23690 - 5/30/75  
(H,Hw) - See Statewide

## TEXAS (CONT'D)

BLANCO COUNTY  
(H,Hw) - See Statewide  
(R) - See Bastrop County  
BORDEN COUNTY  
(H,Hw) - See Statewide  
BOSQUE COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
BOWIE COUNTY  
Decision #TX75-4104 (B)  
40 FR 22796 - 5/23/75  
(H,Hw) - See Statewide  
BRAZORIA COUNTY  
(H,Hw) - See Statewide  
Decision #AR-11 (R)  
39 FR 29910 - B/16/74  
(D) - See Aransas County  
BRAZOS COUNTY  
Decision #TX75-4106 (B)  
40 FR 22799 - 5/23/75  
Mod. #1 - 40 FR 24461 - 6/6/75  
(H,Hw) - See Statewide  
BREWSTER COUNTY  
(H,Hw) - See Statewide  
BRISCOE COUNTY  
(H,Hw) - See Statewide  
BROOKS COUNTY  
(H,Hw) - See Statewide  
BROWN COUNTY  
(H,Hw) - See Statewide  
BURLESON COUNTY  
(H,Hw) - See Statewide  
BURNETT COUNTY  
(H,Hw) - See Statewide  
CALDWELL COUNTY  
(H,Hw) - See Statewide  
(R) - See Bastrop County  
CALHOUN COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County  
CALLAHAN COUNTY  
(H,Hw) - See Statewide  
CAMERON COUNTY  
Decision #TX75-4091 (B)  
40 FR 21681 - 5/16/75  
(H,Hw) - See Statewide  
Decision #TX75-4093 (R)  
40 FR 21683 - 5/16/75  
CAMP COUNTY  
(H,Hw) - See Statewide



## TEXAS (Cont'd.)

CARSON COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
CASS COUNTY  
(H,Hw) - See Statewide  
CASTRO COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
CHAMBERS COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County  
CHEROKEE COUNTY  
(H,Hw) - See Statewide  
CHILDRESS COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
CLAY COUNTY  
(H,Hw) - See Statewide  
COCHRAN COUNTY  
(H,Hw) - See Statewide  
(R) - See Bailey County  
COKE COUNTY  
(H,Hw) - See Statewide  
COLEMAN COUNTY  
(H,Hw) - See Statewide  
COLLIN COUNTY  
Decision #A0-87 (R)  
39 FR 10106 - 3/15/74  
Decision #TX75-4102 (B-excluding Dallas-Fort Worth Regional Airport)  
40 FR 22791 - 5/23/75  
(H,Hw) - See Statewide  
COLLINGSWORTH COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
COLORADO COUNTY  
(H,Hw) - See Statewide  
COMAL COUNTY  
(H,Hw) - See Statewide  
COMANCHE COUNTY  
(H,Hw) - See Statewide  
CONCHO COUNTY  
(H,Hw) - See Statewide  
COOKE COUNTY  
(H,Hw) - See Statewide  
CORYELL COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
COTTLE COUNTY  
(H,Hw) - See Statewide

CRANE COUNTY  
(H,Hw) - See Statewide  
Decision #TX75-4006 (R)  
40 FR 3163 - 1/17/75  
CROCKETT COUNTY  
(H,Hw) - See Statewide  
CROSBY COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
CULBERSON COUNTY  
(H,Hw) - See Statewide  
OALLAM COUNTY  
(R,B) - See Armstrong County  
(H,Hw) - See Statewide  
OALLAS COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide  
DAMSON COUNTY  
(H,Hw) - See Statewide  
DEAF SMITH COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
DELTA COUNTY  
(H,Hw) - See Statewide  
DENTON COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide  
DE WITT COUNTY  
(H,Hw) - See Statewide  
OICKENS COUNTY  
(H,Hw) - See Statewide  
DIMIT COUNTY  
Decision #TX75-4010 (B,R)  
40 FR 3172 - 1/17/75  
(H,Hw) - See Statewide  
DONLEY COUNTY  
(B,R) - See Armstrong County  
(H,Hw) - See Statewide  
DUVAL COUNTY  
(H,Hw) - See Statewide  
EASTLAND COUNTY  
(H,Hw) - See Statewide  
ECTOR COUNTY  
(H,Hw) - See Statewide  
(H,Hw) - See Statewide  
(R) - See Crane County  
EDWARDS COUNTY  
(H,Hw) - See Statewide  
ELLIS COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide  
EL PASO COUNTY  
Decision #TX75-4107 (B)  
40 FR 22801 - 5/23/75  
Mod. #1 - 40 FR 24461 - 6/6/75  
(H,Hw) - See Statewide  
ERATH COUNTY  
(H,Hw) - See Statewide

## TEXAS (Cont'd.)

FALLS COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
FANNIN COUNTY  
(H,Hw) - See Statewide  
FAYETTE COUNTY  
(H,Hw) - See Statewide  
(R) - See Bastrop County  
FLISHER COUNTY  
(H,Hw) - See Statewide  
FLOYD COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
FOARD COUNTY  
(H,Hw) - See Statewide  
FORT BEND COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
FRANKLIN COUNTY  
(H,Hw) - See Statewide  
FREESTONE COUNTY  
(H,Hw) - See Statewide  
FRIO COUNTY  
(H,Hw) - See Statewide  
GAINES COUNTY  
GALVESTON COUNTY  
Decision #TX75-4096 (B)  
40 FR 21689 - 5/16/75  
(R) - See Brazoria County  
(D) - See Aransas County  
(H,Hw) - See Statewide  
GARZA COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
GILLESPIE COUNTY  
(H,Hw) - See Statewide  
GLASSCOCK COUNTY  
(H,Hw) - See Statewide  
GOLIAD COUNTY  
(H,Hw) - See Statewide  
GONZALES COUNTY  
(H,Hw) - See Statewide  
GRAY COUNTY  
(R,B) - See Armstrong County  
(H,Hw) - See Statewide  
GRAYSON COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
GREGG COUNTY  
Decision #TX75-4092 (B)  
40 FR 21632 - 5/16/75  
(H,Hw) - See Statewide

## TEXAS (Cont'd.)

GRIMES COUNTY  
(H,Hw) - See Statewide  
GUADALUPE COUNTY  
(H,Hw) - See Statewide  
HALE COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
HALL COUNTY  
(H,Hw) - See Statewide  
HAMILTON COUNTY  
(H,Hw) - See Statewide  
HANSFORD COUNTY  
(R,B) - See Armstrong County  
(H,Hw) - See Statewide  
HARDEMAN COUNTY  
(H,Hw) - See Statewide  
HARDIN COUNTY  
(H,Hw) - See Statewide  
HARRIS COUNTY  
(B) - See Galveston County  
(R) - See Brazoria County  
(D) - See Aransas County  
(H,Hw) - See Statewide  
HARRISON COUNTY  
Decision #TX75-4103 (B)  
40 FR 22795 - 5/23/75  
(H,Hw) - See Statewide  
HARTLEY COUNTY  
(R,B) - See Armstrong County  
(H,Hw) - See Statewide  
HASKELL COUNTY  
(H,Hw) - See Statewide  
HAYS COUNTY  
(H,Hw) - See Statewide  
HENPHILL COUNTY  
(R,B) - See Armstrong County  
(H,Hw) - See Statewide  
HENDERSON COUNTY  
(H,Hw) - See Statewide  
HIDALGO COUNTY  
(R,B) - See Cameron County  
(H,Hw) - See Statewide  
HILL COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide  
HOCKLEY COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
HOOD COUNTY  
(B) - See Collin County  
Decision #TX75-4011 (R)  
40 FR 3173 - 1/17/75  
(H,Hw) - See Statewide



## TEXAS (Cont'd)

HOPKINS COUNTY  
(H,Hw) - See Statewide

HOUSTON COUNTY  
(H,Hw) - See Statewide

HOWARD COUNTY  
Decision #TX75-4095 (B,R)  
40 FR 21687 - 5/16/75

HUDSPETH COUNTY  
(H,Hw) - See Statewide

HUNT COUNTY  
(R)(B) - See Collin County  
(H,Hw) - See Statewide

HUTCHINSON COUNTY  
(R)(B) - See Armstrong County  
(H,Hw) - See Statewide

IRION COUNTY  
(H,Hw) - See Statewide

JACK COUNTY  
(H,Hw) - See Statewide

JACKSON COUNTY  
(D) - See Aransas County  
(H,Hw) - See Statewide

JASPER COUNTY  
(H,Hw) - See Statewide

JEFF DAVIS COUNTY  
(H,Hw) - See Statewide

JEFFERSON COUNTY  
Decision #TX75-4012 (B,R)  
40 FR 3175 - 1/17/75  
Mod. #1 - 40 FR 7800 - 2/21/75  
Mod. #2 - 40 FR 8698 - 2/28/75  
Mod. #3 - 40 FR 12017 - 3/14/75

JIM HOGG COUNTY  
(H,Hw) - See Statewide

JIM WELLS COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide

JOHNSON COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
(R) - See Hood County

JONES COUNTY  
(H,Hw) - See Statewide

KARNES COUNTY  
(H,Hw) - See Statewide

## TEXAS (Cont'd)

KAUFMAN COUNTY  
(B,R) - See Collin County  
(H,Hw) - See Statewide

KENDALL COUNTY  
(H,Hw) - See Statewide

KENEDY COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County

KENT COUNTY  
(H,Hw) - See Statewide

KERR COUNTY  
(H,Hw) - See Statewide

KIMBLE COUNTY  
(H,Hw) - See Statewide

KING COUNTY  
(H,Hw) - See Statewide

KINNEY COUNTY  
(H,Hw) - See Statewide

KLEBERG COUNTY  
Decision #TX75-4099 (B)  
40 FR 22787 - 5/23/75

(D) - See Aransas County  
(H,Hw) - See Statewide

(R) - See Bee County

KNOX COUNTY  
(H,Hw) - See Statewide

LAMAR COUNTY  
(H,Hw) - See Statewide

LAMB COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide

LAMPASAS COUNTY  
(H,Hw) - See Statewide

LA SALLE COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide

LAVACA COUNTY  
(H,Hw) - See Statewide

LEE COUNTY  
(H,Hw) - See Bastrop County

## TEXAS (Cont'd)

LEON COUNTY  
(H,Hw) - See Statewide

LIBERTY COUNTY  
(H,Hw) - See Statewide

LIMESTONE COUNTY  
(H,Hw) - See Statewide

LIPSCOMB COUNTY  
(H,Hw) - See Statewide  
(B,R) - See Armstrong County

LIVE OAK COUNTY  
(H,Hw) - See Statewide

LLANO COUNTY  
(H,Hw) - See Statewide

LOVING COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

LUBBOCK COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide  
Decision #TX75-4094 (B)  
40 FR 21685 - 5/16/75

LYNN COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide

McCULLOCH COUNTY  
(H,Hw) - See Statewide

McLENNAN COUNTY  
(B) - See Bell County  
(H,Hw) - See Statewide

McMULLEN COUNTY  
(H,Hw) - See Statewide

MADISON COUNTY  
(H,Hw) - See Statewide

MARION COUNTY  
(H,Hw) - See Statewide

MARTIN COUNTY  
(H,Hw) - See Statewide

## TEXAS (Cont'd)

MASON COUNTY  
(H,Hw) - See Statewide

MATAGORDA COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide  
(D) - See Aransas County

MAVERICK COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide

MEDINA COUNTY  
(H,Hw) - See Statewide

MENARD COUNTY  
(H,Hw) - See Statewide

MIDLAND COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

MILAM COUNTY  
(H,Hw) - See Statewide

MILLS COUNTY  
(H,Hw) - See Statewide

MITCHELL COUNTY  
(H,Hw) - See Statewide

MONTAGUE COUNTY  
(H,Hw) - See Statewide

MONTGOMERY COUNTY  
(R) - See Brazoria County  
(H,Hw) - See Statewide

MOORE COUNTY  
(R)(B) - See Armstrong County  
(H,Hw) - See Statewide

MORRIS COUNTY  
(H,Hw) - See Statewide

MOTLEY COUNTY  
(H,Hw) - See Statewide

NACOGDOCHES COUNTY  
(H,Hw) - See Statewide

NAVARRO COUNTY  
(H,Hw) - See Statewide



TEXAS (Cont'd.)

NEWMON COUNTY  
(H,Hw) - See Statewide

NOLAN COUNTY  
(H,Hw) - See Statewide

NUECES COUNTY  
(B) - See Kleberg County  
(D) - See Aransas County  
(H,Hw) - See Statewide  
(R) - See Bee County

OCHILTREE COUNTY  
(R) (B) - See Armstrong County  
(H,Hw) - See Statewide

OLDHAM COUNTY  
(R) (B) - See Armstrong County  
(H,Hw) - See Statewide

ORANGE COUNTY  
(R) (B) - See Jefferson County  
(H,Hw) - See Statewide  
(D) - See Aransas County

PALO PINTO COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
(R) - See Hood County

PANOLA COUNTY  
(H,Hw) - See Statewide

PARKER COUNTY  
(H,Hw) - See Statewide  
(R) - See Hood County

PARMER COUNTY  
(H,Hw) - See Statewide

PECOS COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

POLK COUNTY  
(H,Hw) - See Statewide

POTTER COUNTY  
(H,Hw) - See Statewide  
(B) (R) - See Armstrong County

PRESIDIO COUNTY  
(H,Hw) - See Statewide

RATNS COUNTY  
(H,Hw) - See Statewide

RAWDALL COUNTY  
(H,Hw) - See Statewide  
(B) (R) - See Armstrong County

REAGAN COUNTY  
(H,Hw) - See Statewide

REAL COUNTY  
(H,Hw) - See Statewide

RED RIVER COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

REEVES COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

REFUGIO COUNTY  
(D) - See Aransas County  
(H,Hw) - See Statewide

ROBERTS COUNTY  
(H,Hw) - See Statewide  
(B) (R) - See Armstrong County

ROBERTSON COUNTY  
(H,Hw) - See Statewide  
(R) (B) - See Collin County

ROCKWALL COUNTY  
(H,Hw) - See Statewide  
(R) (B) - See Statewide

RUNNELS COUNTY  
(H,Hw) - See Statewide

RUSK COUNTY  
(H,Hw) - See Statewide

SABINE COUNTY  
(H,Hw) - See Statewide  
(B) - See Statewide

SAN AUGUSTINE COUNTY  
(H,Hw) - See Statewide

SAN JACINTO COUNTY  
(H,Hw) - See Statewide

SAN PATRICIO COUNTY  
(R) - See Bee County  
(D) - See Aransas County  
(H,Hw) - See Statewide

SAN SABA COUNTY  
(H,Hw) - See Statewide

SCHLEICHER COUNTY  
(H,Hw) - See Statewide

SCURRY COUNTY  
(H,Hw) - See Statewide

SHACKELFORD COUNTY  
(H,Hw) - See Statewide

SHELBY COUNTY  
(H,Hw) - See Statewide

SHERMAN COUNTY  
(B) (R) - See Armstrong County

SMITH COUNTY  
(H,Hw) - See Statewide

SOMERVELL COUNTY  
(H,Hw) - See Statewide

STARR COUNTY  
(H,Hw) - See Statewide  
(B) (R) - See Cameron County

STEPHENS COUNTY  
(H,Hw) - See Statewide

TEXAS (Cont'd.)

STEPLING COUNTY  
(H,Hw) - See Statewide

STONEWALL COUNTY  
(H,Hw) - See Statewide

SUTTON COUNTY  
(H,Hw) - See Statewide

SWISHER COUNTY  
(H,Hw) - See Statewide  
(B) (R) - See Armstrong County

TARRANT COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
Decision #AQ-117 (R)  
39 FR 22400 - 6/21/74

TAYLOR COUNTY  
Decision #TX75-4098 (B)  
40 FR 22786 - 5/23/75

TEPPELL COUNTY  
(H,Hw) - See Statewide  
(B,Hw) - See Statewide

TERRY COUNTY  
(H,Hw) - See Statewide  
(R) - See Bailey County

TRICKMORTON COUNTY  
(H,Hw) - See Statewide

TITUS COUNTY  
(H,Hw) - See Statewide

TCV, GREEN COUNTY  
Decision #TX75-4038 (B)  
40 FR 21677 - 5/16/75

TRAVIS COUNTY  
Decision #TX75-4101 (B)  
40 FR 22789 - 5/23/75

(R) - See Bastrop County  
(H,Hw) - See Statewide

TRINITY COUNTY  
(H,Hw) - See Statewide

TYLER COUNTY  
(H,Hw) - See Statewide

UPSHUR COUNTY  
(H,Hw) - See Statewide

UPTON COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

UVALDE COUNTY  
(H,Hw) - See Statewide

VAL VERDE COUNTY  
(H,Hw) - See Statewide

VAN ZANDT COUNTY  
(H,Hw) - See Statewide

VICTORIA COUNTY  
(H,Hw) - See Statewide  
(D) - See Aransas County

WALKER COUNTY  
(H,Hw) - See Statewide  
(R) - See Brazoria County

WALLER COUNTY  
(H,Hw) - See Statewide

WARD COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

WASHINGTON COUNTY  
(H,Hw) - See Statewide

WEBB COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide

WHARTON COUNTY  
(H,Hw) - See Statewide

WHEELER COUNTY  
(R) (B) - See Armstrong County  
(H,Hw) - See Statewide

WICHITA COUNTY  
Decision #TX75-4037 (R)  
40 FR 21675 - 5/16/75

Decision #TX75-4103 (B)  
40 FR 22803 - 5/23/75  
Mod. #1 - 40 FR 24461 - 6/6/75

WILBARGER COUNTY  
(H,Hw) - See Statewide

WILLACY COUNTY  
(R) (B) - See Cameron County  
(H,Hw) - See Statewide  
(D) - See Aransas County

WILLIAMSON COUNTY  
(H,Hw) - See Statewide  
(R) - See Bastrop County

WILSON COUNTY  
(H,Hw) - See Statewide

WINKLER COUNTY  
(H,Hw) - See Statewide  
(R) - See Crane County

WISE COUNTY  
(B) - See Collin County  
(H,Hw) - See Statewide  
(R) - See Hood County

WOOD COUNTY  
(H,Hw) - See Statewide

YOAKUM COUNTY  
(R) - See Bailey County  
(H,Hw) - See Statewide

YOUNG COUNTY  
(H,Hw) - See Statewide

ZAPATA COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide

ZAVALA COUNTY  
(B,R) - See Dimmit County  
(H,Hw) - See Statewide



## UTAH

STATEWIDE  
Decision #UT75-5026 (B,H,Hw)  
40 FR 7860 - 2/21/75  
Mod. #1 - 40 FR 14216 - 3/28/75  
Mod. #2 - 40 FR 17472 - 4/18/75  
Mod. #3 - 40 FR 18283 - 4/25/75

BEAVER COUNTY  
(B,H,Hw) - See Statewide

BOX ELDER COUNTY  
(B,H,Hw) - See Statewide

CACHE COUNTY  
(B,H,Hw) - See Statewide

CARBON COUNTY  
(B,H,Hw) - See Statewide

DAGGETT COUNTY  
(B,H,Hw) - See Statewide

DAVIS COUNTY  
(B,H,Hw) - See Statewide

OUCHESNE COUNTY  
(B,H,Hw) - See Statewide

EMERY COUNTY  
(B,H,Hw) - See Statewide

GARFIELD COUNTY  
(B,H,Hw) - See Statewide

GRAND COUNTY  
(B,H,Hw) - See Statewide

IRON COUNTY  
(B,H,Hw) - See Statewide

JUAB COUNTY  
(B,H,Hw) - See Statewide

KANE COUNTY  
(B,H,Hw) - See Statewide

MILLAR COUNTY  
(B,H,Hw) - See Statewide

MORGAN COUNTY  
(B,H,Hw) - See Statewide

PIUTE COUNTY  
(B,H,Hw) - See Statewide

RICH COUNTY  
(B,H,Hw) - See Statewide

SALT LAKE COUNTY  
(B,H,Hw) - See Statewide

SAN JUAN COUNTY  
(B,H,Hw) - See Statewide

SANPETE COUNTY  
(B,H,Hw) - See Statewide

SEVIER COUNTY  
(B,H,Hw) - See Statewide

SUMMIT COUNTY  
(B,H,Hw) - See Statewide

TOWEE COUNTY  
(B,H,Hw) - See Statewide

UNITAH COUNTY  
(B,H,Hw) - See Statewide

UTAH COUNTY  
(B,H,Hw) - See Statewide

WASATCH COUNTY  
(B,H,Hw) - See Statewide

WASHINGTON COUNTY  
(B,H,Hw) - See Statewide

## UTAH (Cont'd)

WAYNE COUNTY  
(B,H,Hw) - See Statewide

WEBER COUNTY  
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)  
Decision #AQ-3184 (Hw)  
39 FR 24203 - 6/28/74  
Mod. #1 - 39 FR 27397 - 7/26/74  
Mod. #2 - 40 FR 16497 - 4/11/75  
Mod. #3 - 40 FR 21657 - 5/16/75

AADISON COUNTY  
(Hw) - See Statewide

BENNINGTON COUNTY  
(Hw) - See Statewide

CALEDONIA COUNTY  
(Hw) - See Statewide

CHITTENDEN COUNTY  
(Hw) - See Statewide

ESSEX COUNTY  
(Hw) - See Statewide

FRANKLIN COUNTY  
(Hw) - See Statewide

GRAND ISLE COUNTY  
(Hw) - See Statewide

LAMOILLE COUNTY  
(Hw) - See Statewide

ORANGE COUNTY  
(Hw) - See Statewide

ORLEANS COUNTY  
(Hw) - See Statewide

RUTLAND COUNTY  
(Hw) - See Statewide

None

WASHINGTON COUNTY  
(Hw) - See Statewide

WINOHAM COUNTY  
(Hw) - See Statewide

WINOSOR COUNTY  
(Hw) - See Statewide

## VIRGINIA

ACCOMACK COUNTY  
Decision #AP-805 (Hw)  
38 FR 11279 - 5/4/73  
Mod. #1 - 38 FR 13127 - 5/18/73  
Mod. #2 - 40 FR 15284 - 4/4/75  
Mod. #3 - 40 FR 23631 - 5/30/75  
Decision #M075-3008 (O)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75

ALBERMARLE COUNTY  
Decision #A1-1874 (Hw)  
36 FR 16342 - 8/20/71  
Mod. #1 - 40 FR 15284 - 4/4/75

ALEXANDRIA CITY  
Decision #M075-3003 (B)  
40 FR 937 - 1/3/75  
Mod. #1 - 40 FR 12957 - 3/21/75  
Mod. #2 - 40 FR 20562 - 5/9/75  
Mod. #3 - 40 FR 22742 - 5/23/75  
Mod. #4 - 40 FR 23631 - 5/30/75

ALLEGHANY COUNTY  
Decision #A1-1875 (Hw)  
36 FR 16343 - 8/20/71  
Mod. #1 - 37 FR 5169 - 3/10/72  
Mod. #2 - 40 FR 15284 - 4/4/75

AMELIA COUNTY  
Decision #AR-2032 (Hw)  
39 FR 31871 - 8/30/74  
Decision #AQ-2032 (Hw)  
38 FR 32259 - 11/30/73

AMHERST COUNTY  
APPOWATTOX COUNTY  
(Hw) - See Amherst County

ARLINGTON COUNTY  
(B) - See Alexandria City  
(D) - See Accomack County

AUGUSTA COUNTY  
Decision #AM-9320 (R)  
37 FR 10267 - 5/19/72  
Mod. #1 - 40 FR 15284 - 4/4/75  
(Hw) - See Alleghany County

BATH COUNTY  
(Hw) - See Alleghany County

BEAUFORD CITY  
(Hw) - See Bedford County

BEDFORD COUNTY  
Decision #AQ-2021 (Hw)  
38 FR 27744 - 10/5/73

BLANO COUNTY  
Decision #AQ-2020 (Hw)  
38 FR 27744 - 10/5/73  
Mod. #1 - 40 FR 15285 - 4/4/75

BOYETOURT COUNTY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd)

BRISTOL CITY  
(Hw) - See Bland County

BRUNSWICK COUNTY  
(Hw) - See Amelia County

BUCHANAN COUNTY  
(Hw) - See Bland County

BUCKINGHAM COUNTY  
(Hw) - See Amherst County

BUENA VISTA CITY  
(Hw) - See Alleghany County

CAMPBELL COUNTY  
(Hw) - See Amherst County

CAROLINE COUNTY  
Decision #AQ-2031 (Hw)  
38 FR 33258 - 11/30/73

CARROLL COUNTY  
(Hw) - See Bedford County

CHARLES CITY COUNTY  
(Hw) - See Amelia County

CHARLOITE COUNTY  
(Hw) - See Amherst County

CHARLOTTESVILLE CITY  
(Hw) - See Albemarle County

CHESAPEAKE CITY  
Decision #VA75-3005 (B)  
40 FR 944 - 1/3/75  
Mod. #1 - 40 FR 14217 - 3/28/75  
Mod. #2 - 40 FR 17473 - 4/18/75  
Mod. #3 - 40 FR 22742 - 5/23/75  
Decision #AP-494 (Hw)  
38 FR 7693 - 3/23/73

CHESTERFIELD COUNTY  
(Hw) - See Amelia County

CLARKE COUNTY  
Decision #AP-406 (R)  
37 FR 15234 - 7/28/72  
Mod. #1 - 40 FR 15284 - 4/4/75  
(Hw) - See Alleghany County

CLIFTON FORGE CITY  
(Hw) - See Alleghany County

COLONIAL HEIGHTS CITY  
(Hw) - See Amelia County

COVINGTON CITY  
(Hw) - See Alleghany County

CRAIG COUNTY  
(Hw) - See Bedford County



## VIRGINIA (Cont'd.)

CULPEPER COUNTY  
(Hw) - See Albemarle County  
CUMBERLAND COUNTY  
(Hw) - See Amherst County  
DAWVILLE CITY  
(Hw) - See Amherst County  
DICKENSON COUNTY  
(Hw) - See Bland County  
DINKIDDIE COUNTY  
(Hw) - See Amelia County  
EMPORIA CITY  
(Hw) - See Accomack County  
ESSEX COUNTY  
(Hw) - See Caroline County  
FAIRFAX COUNTY  
(D) - See Accomack County  
FAIRFAX CITY  
(B) - See Alexandria City  
FALLS CHURCH CITY  
(B) - See Alexandria City  
FAUQUIER COUNTY  
(Hw) - See Albemarle County  
FLOYD COUNTY  
(Hw) - See Bedford County  
FLUVANIA COUNTY  
(Hw) - See Albemarle County  
FORT MONROE CITY  
(Hw) - See Chesapeake City  
(B,H,W&S) - See York County  
FRANKLIN CITY  
(Hw) - See Accomack County  
FRANKLIN COUNTY  
(Hw) - See Bedford County  
FREDERICK COUNTY  
(R) - See Clarke County  
(Hw) - See Alleghany County

## VIRGINIA (Cont'd.)

FREDERICKSBURG CITY  
(Hw) - See Caroline County  
GALAX CITY  
(Hw) - See Bedford County  
GILES COUNTY  
(Hw) - See Bedford County  
GLOUCESTER COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
GOOCHLAND COUNTY  
(Hw) - See Amelia County  
GRAYSON COUNTY  
(Hw) - See Bland County  
GREENE COUNTY  
(Hw) - See Albemarle County  
GREENSVILLE COUNTY  
(Hw) - See Accomack County  
HALIFAX COUNTY  
(Hw) - See Amherst County  
HAMPTON CITY  
Decision #A0-2103 (R)  
39 FR 14119 - 4/19/74  
Mod. #1 - 15612 - 5/3/74  
(B,H,W&S) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
HANOVER COUNTY  
(Hw) - See Amelia County  
HARRISONBURG CITY  
(Hw) - See Allegheny County  
HENRICO COUNTY  
Decision #VA75-3006 (B)  
40 FR 946 - 1/3/75  
Mod. #1 - 40 FR 14217 - 3/28/75  
Mod. #2 - 40 FR 17473 - 4/18/75  
Mod. #3 - 40 FR 22743 - 5/23/75  
(Hw) - See Amelia County

## VIRGINIA (Cont'd.)

HENRY COUNTY  
(Hw) - See Bedford County  
HIGHLAND COUNTY  
(Hw) - See Alleghany County  
HOPEWELL CITY  
(Hw) - See Amelia County  
ISLE OF WIGHT COUNTY  
(D,Hw) - See Accomack County  
JAMES CITY COUNTY  
Decision #AP-407 (R)  
37 FR 15235 - 7/28/72  
(D,Hw) - See Accomack County  
KING AND QUEEN COUNTY  
(Hw) - See Caroline County  
KING GEORGE COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
KING WILLIAM COUNTY  
(Hw) - See Caroline County  
LANCASTER COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
LEE COUNTY  
(Hw) - See Bland County  
LOUDOUN COUNTY  
(Hw) - See Albemarle County  
LOUISA COUNTY  
(Hw) - See Albemarle County  
LUNENBURG COUNTY  
(Hw) - See Amelia County  
LYNCHBURG CITY  
(Hw) - See Amherst County  
MADISON COUNTY  
(Hw) - See Albemarle County  
MARTINSVILLE CITY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd.)

MATHEWS COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MECKLENBURG COUNTY  
(Hw) - See Amelia County  
MIDDLESEX COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MONTGOMERY COUNTY  
(Hw) - See Bedford County  
NANSEMOND COUNTY  
(D,Hw) - See Accomack County  
NELSON COUNTY  
(Hw) - See Amherst County  
NEW KENT COUNTY  
(Hw) - See Amelia County  
NEWPORT NEWS CITY  
(B,H,W&S) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
(R) - See Hampton City  
NORFOLK CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
NORTHAMPTON COUNTY  
(D,Hw) - See Accomack County  
NORTON CITY  
(Hw) - See Bland County  
NORTHUMBERLAND COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
NOTTOWAY COUNTY  
(Hw) - See Amelia County  
ORANGE COUNTY  
(Hw) - See Albemarle County



PAGE COUNTY  
(Hw) - See Alleghany County  
PATRICK COUNTY  
(Hw) - See Bedford County  
PETERSBURG CITY  
(Hw) - See Amelia County  
PITTSYLVANIA COUNTY  
(Hw) - See Amherst County  
PORTSMOUTH CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
POWHEATAN COUNTY  
(Hw) - See Amelia County  
PRINCE EDWARD COUNTY  
(Hw) - See Amherst County  
PRINCE GEORGE COUNTY  
(Hw) - See Amelia County  
PRINCE WILLIAM COUNTY  
(Hw) - See Albemarle County  
(D) - See Accomack County  
PULASKI COUNTY  
(Hw) - See Bedford County  
RADFORD CITY  
(Hw) - See Bedford County  
RAPPAHANNOCK COUNTY  
(Hw) - See Albemarle County  
RICHMOND CITY  
(B) - See Henrico County  
(Hw) - See Amelia County  
RICHMOND COUNTY  
(Hw) - See Caroline County  
ROANOKE CITY  
(Hw) - See Bedford County  
ROANOKE COUNTY  
(Hw) - See Bedford County  
ROCKBRIDGE COUNTY  
(Hw) - See Alleghany County  
ROCKINGHAM COUNTY  
(R) - See Clarke County  
(Hw) - See Alleghany County  
RUSSELL COUNTY  
(Hw) - See Bland County  
SALEM CITY  
(Hw) - See Bedford County  
SCOTT COUNTY  
(Hw) - See Bland County  
SHENANDOAH COUNTY  
(Hw) - See Alleghany County  
(R) - See Clarke County  
SMYTH COUNTY  
(Hw) - See Bland County  
SOUTHAMPTON COUNTY  
(Hw) - See Accomack County

SOUTH BOSTON CITY  
(Hw) - See Amherst County  
SPOTSYLVANIA COUNTY  
(Hw) - See Caroline County  
STAUNTON CITY  
(Hw) - See Alleghany County  
STAFFORD COUNTY  
(D) - See Accomack County  
SUFFOLK CITY  
(Hw) - See Accomack County  
SURREY COUNTY  
(Hw) - See Accomack County  
(D) - See Accomack County  
SUSSEX COUNTY  
(Hw) - See Accomack County  
TAZEWELL COUNTY  
(Hw) - See Bland County  
VIRGINIA BEACH CITY  
Decision #AK-9321 (R)  
37 FR 10266 - 5/19/72  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
WARREN COUNTY  
(R) - See Clarke County  
(Hw) - See Alleghany County  
WASHINGTON COUNTY  
(Hw) - See Bland County  
WAYNESBORO CITY  
(Hw) - See Alleghany County  
WESTMORELAND COUNTY  
(D) - See Caroline County  
WILLIAMSBURG CITY  
(Hw) - See Accomack County  
WINCHESTER CITY  
(Hw) - See Alleghany County  
WISE COUNTY  
(Hw) - See Bland County  
WYTHE COUNTY  
(Hw) - See Bland County  
YORK COUNTY  
Decision #VA75-3004 (B,H,S&W)  
40 FR 941 - 1/3/75  
Mod. #1 - 40 FR 14217 - 3/28/75  
Mod. #2 - 40 FR 21657 - 5/16/75  
Mod. #3 - 40 FR 22742 - 5/23/75  
(R) - See James City  
(D,Hw) - See Accomack County

STATEWIDE  
Decision #WA75-5054 (B,H,Hw,D)  
40 FR 18310 - 4/25/75  
ADAMS COUNTY  
(B,H,Hw,D) - See Statewide  
ASOTIN COUNTY  
(B,H,Hw,D) - See Statewide  
BENTON COUNTY  
(B,H,Hw,D) - See Statewide  
CHELAN COUNTY  
(B,H,Hw,D) - See Statewide  
CLALLAM COUNTY  
Decision #WA75-5064 (R)  
40 FR 23695 - 5/30/75  
(B,H,Hw,D) - See Statewide  
CLARK COUNTY  
(B,H,Hw,D) - See Statewide  
COLUMBIA COUNTY  
(B,H,Hw,D) - See Statewide  
COWLITZ COUNTY  
(B,H,Hw,D) - See Statewide  
DOUGLAS COUNTY  
(B,H,Hw,D) - See Statewide  
FERRY COUNTY  
(B,H,Hw,D) - See Statewide  
FRANKLIN COUNTY  
(B,H,Hw,D) - See Statewide  
GARFIELD COUNTY  
(B,H,Hw,D) - See Statewide  
GRANT COUNTY  
(B,H,Hw,D) - See Statewide  
GRAYS HARBOR COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
ISLAND COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
JEFFERSON COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
KING COUNTY  
(R) - See Clallam County  
(B,H,Hw,D) - See Statewide  
KITSAP COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
KITITAS COUNTY  
(B,H,Hw,D) - See Statewide  
KLIKITAT COUNTY  
(B,H,Hw,D) - See Statewide

LEWIS COUNTY  
(B,H,Hw,D) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw,D) - See Statewide  
MASON COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
OKANOGAN COUNTY  
(B,H,Hw,D) - See Statewide  
PACIFIC COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
PEND OREILLE COUNTY  
(B,H,Hw,D) - See Statewide  
PIERCE COUNTY  
(R) - See Clallam County  
SAN JUAN COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
SKAGIT COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
SKAMANIA COUNTY  
(B,H,Hw,D) - See Statewide  
SNOHOMISH COUNTY  
(R) - See Clallam County  
(B,H,Hw,D) - See Statewide  
SPOKANE COUNTY  
(B,H,Hw,D) - See Statewide  
STEVENS COUNTY  
(B,H,Hw,D) - See Statewide  
THURSTON COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
WAHIAKUM COUNTY  
(B,H,Hw,D) - See Statewide  
WALLA WALLA COUNTY  
(B,H,Hw,D) - See Statewide  
WHATCOM COUNTY  
(B,H,Hw,D) - See Statewide  
(R) - See Clallam County  
WHITMAN COUNTY  
(B,H,Hw,D) - See Statewide  
YAKIMA COUNTY  
Decision #AQ-1109 (R)  
39 FR 18416 - 5/24/74  
(B,H,Hw,D) - See Statewide



WASHINGTON, D. C.  
 Decision #DC75-3002 (B, Hw, W&S)  
 40 FR 948 - 1/31/75  
 Mod. #1 - 40 FR 12019 - 3/14/75  
 Mod. #2 - 40 FR 19334 - 5/2/75  
 Mod. #3 - 40 FR 20562 - 5/9/75  
 Mod. #4 - 40 FR 22743 - 5/23/75  
 Mod. #5 - 40 FR 23637 - 5/30/75  
 Decision #WD75-3008 (D)  
 40 FR 3094 - 1/17/75  
 Mod. #1 - 40 FR 14204 - 3/28/75

STATEWIDE  
 Decision #WV75-3009 (H, Hw)  
 40 FR 4883 - 1/31/75  
 Mod. #1 - 40 FR 10883 - 3/7/75  
 Mod. #2 - 40 FR 14217 - 3/28/75  
 BARBOUR COUNTY  
 Decision #WV75-3007 (B)  
 40 FR 6136 - 2/7/75  
 Mod. #1 - 40 FR 8700 - 2/28/75  
 Mod. #2 - 40 FR 10883 - 3/7/75  
 Mod. #3 - 40 FR 14217 - 3/28/75  
 Mod. #4 - 40 FR 16497 - 4/11/75  
 Mod. #5 - 40 FR 21659 - 5/16/75  
 (H, Hw) - See Statewide  
 BERKELEY COUNTY  
 (H, Hw) - See Statewide  
 BOONE COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 BRAXTON COUNTY  
 (H, Hw) - See Statewide  
 BROOKE COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 CABELL COUNTY  
 (B) - See Barbour County  
 Decision #IL75-2036 (D)  
 40 FR 6023 - 2/7/75  
 (H, Hw) - See Statewide  
 CALHOUN COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 CLAY COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 DODDRIDGE COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 FAYETTE COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 GILMER COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 GRANT COUNTY  
 (H, Hw) - See Statewide  
 GREENBRIER COUNTY  
 (H, Hw) - See Statewide  
 HAMPSHIRE COUNTY  
 (H, Hw) - See Statewide  
 HANCOCK COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 HARDY COUNTY  
 (H, Hw) - See Statewide  
 HARRISON COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide

JACKSON COUNTY  
 (D) - See Cabell County  
 (H, Hw) - See Statewide  
 (B) - See Barbour County  
 JEFFERSON COUNTY  
 (H, Hw) - See Statewide  
 KANAWHA COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 Decision #AR-2058 (R)  
 39 FR 35948 - 10/4/74  
 Mod. #1 - 39 FR 44913 - 12/27/74  
 (H, Hw) - See Statewide  
 LEWIS COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 LINCOLN COUNTY  
 (H, Hw) - See Statewide  
 LOGAN COUNTY  
 (H, Hw) - See Statewide  
 MC DOWELL COUNTY  
 (H, Hw) - See Statewide  
 MARION COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 MARSHALL COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 MASON COUNTY  
 (B) - See Barbour County  
 (D) - See Cabell County  
 (H, Hw) - See Statewide  
 MERCER COUNTY  
 (H, Hw) - See Statewide  
 MINERAL COUNTY  
 (H, Hw) - See Statewide  
 MINGO COUNTY  
 (H, Hw) - See Statewide  
 MONOGALIA COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 MONROE COUNTY  
 (H, Hw) - See Statewide  
 MORGAN COUNTY  
 (H, Hw) - See Statewide  
 NICHOLAS COUNTY  
 (H, Hw) - See Statewide  
 OHIO COUNTY  
 (B) - See Barbour County  
 (H, Hw) - See Statewide  
 PENDLETON COUNTY  
 (H, Hw) - See Statewide  
 PLEASANT COUNTY  
 (D) - See Cabell County  
 (H, Hw) - See Statewide  
 (B) - See Barbour County



- PRESTON COUNTY  
(H, Hw) - See Statewide
- PUTNAM COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide
- RALEIGH COUNTY  
(H, Hw) - See Statewide
- RANDOLPH COUNTY  
(H, Hw) - See Statewide
- RITCHIE COUNTY  
(H, Hw) - See Statewide
- ROANE COUNTY  
(B) - See Barbour County
- ROANE COUNTY  
(H, Hw) - See Statewide
- SUMMERS COUNTY  
(H, Hw) - See Statewide
- TAYLOR COUNTY  
(H, Hw) - See Statewide
- TUCKER COUNTY  
(H, Hw) - See Statewide
- TYLER COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide
- UPSHUR COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide
- WAYNE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide
- WEBSTER COUNTY  
(H, Hw) - See Statewide
- WETZEL COUNTY  
(B) - See Barbour County  
(O) - See Cabell County  
(O) - See Cabell County  
(H, Hw) - See Statewide
- WIRT COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide
- WOOD COUNTY  
(B) - See Barbour County  
(O) - See Cabell County  
(H, Hw) - See Statewide
- WYOMING COUNTY  
(H, Hw) - See Statewide
- STATEWIDE  
Decision #W175-2047 (Hw)  
40 FR 8757 - 2/28/75  
Decision #W175-2048 (H, Sewer, Tunnel,  
& Water)  
40 FR 12059 - 3/14/75
- ADAMS COUNTY  
(H, Hw, W&S) - See Statewide
- ASHLAND COUNTY  
Decision #175-5051 (O)  
40 FR 16529 - 4/11/75  
(H, Hw, W&S) - See Statewide  
Decision #AR-3151 (B, R)  
39 FR 36706 - 10/11/74  
Mod. #1 - 40 FR 21657 - 5/16/75
- BARRON COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide
- BAYFIELD COUNTY  
(B, O, R) - See Ashland County  
(H, Hw, W&S) - See Statewide
- BROWN COUNTY  
Decision #AR-3153 (B)  
39 FR 36825 - 10/11/74  
Mod. #1 - 40 FR 21658 - 5/16/75  
(O) - See Ashland County  
(H, Hw, W&S) - See Statewide
- BUFFALO COUNTY  
(H, Hw, W&S) - See Statewide
- BURNETT COUNTY  
(H, Hw, W&S) - See Statewide
- CALUMET COUNTY  
(H, Hw, W&S) - See Statewide
- CHIPPewa COUNTY  
(H, Hw, W&S) - See Statewide  
(H, Hw, W&S) - See Statewide  
(B, R) - See Eau Claire County
- CLARK COUNTY  
(H, Hw, W&S) - See Statewide
- COLUMBIA COUNTY  
(H, Hw, W&S) - See Statewide
- CRAWFORD COUNTY  
(H, Hw, W&S) - See Statewide
- DANE COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3155 (B, R)  
39 FR 36829 - 10/11/74  
Mod. #1 - 40 FR 18284 - 4/25/75
- DOOGUE COUNTY  
(H, Hw, W&S) - See Statewide
- DOOR COUNTY  
(O) - See Ashland County  
(H, Hw, W&S) - See Statewide
- DOUGLAS COUNTY  
(B, R) - See Ashland County
- DUNN COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide
- EAU CLAIRE COUNTY  
Decision #AR-3154 (B, R)  
39 FR 36827 - 10/11/74  
Mod. #1 - 40 FR 18284 - 4/25/75  
(H, Hw, W&S) - See Statewide
- FLORENCE COUNTY  
(H, Hw, W&S) - See Statewide
- FOND DU LAC COUNTY  
(H, Hw, W&S) - See Statewide
- FOREST COUNTY  
(H, Hw, W&S) - See Statewide
- GRANT COUNTY  
(H, Hw, W&S) - See Statewide
- GREEN COUNTY  
(B) - See Rock County  
(H, Hw, W&S) - See Statewide
- GREEN LAKE COUNTY  
(B) - See Winnebago County  
(H, Hw, W&S) - See Statewide
- IOWA COUNTY  
(B) - See Dane County  
(H, Hw, W&S) - See Statewide
- IRON COUNTY  
(O) - See Ashland County  
(H, Hw, W&S) - See Statewide
- JACKSON COUNTY  
(H, Hw, W&S) - See Statewide
- JEFFERSON COUNTY  
(H, Hw, W&S) - See Statewide
- JUNEAU COUNTY  
Decision #AR-3158 (B)  
39 FR 36835 - 10/11/74  
Mod. #1 - 40 FR 18285 - 4/25/75
- KENOSHA COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3159 (B, R)  
39 FR 36837 - 10/11/74  
Mod. #1 - 39 FR 41662 - 1/29/74
- KEWAUNEE COUNTY  
(O) - See Ashland County  
(H, Hw, W&S) - See Statewide
- LA CROSSE COUNTY  
Decision #AR-3160 (B, R)  
39 FR 36839 - 10/11/74  
Mod. #1 - 40 FR 18286 - 4/25/75
- LA FAYETTE COUNTY  
(H, Hw, W&S) - See Statewide
- LAKE COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide
- LINCOLN COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide
- MANITOWOC COUNTY  
(H, Hw, W&S) - See Statewide
- MARATHON COUNTY  
Decision #AR-3161 (B)  
39 FR 36840 - 10/11/74  
Mod. #1 - 40 FR 18286 - 4/25/75  
(H, Hw, W&S) - See Statewide
- MARTINETTE COUNTY  
(D) - See Ashland County



## WISCONSIN (Cont'd.)

MARQUETTE COUNTY  
(B) - See Winnebago County  
(H, Hw, W&S) - See Statewide

MENOMINEE COUNTY  
(H, Hw, W&S) - See Statewide

MILWAUKEE COUNTY  
Decision #AR-3162 (B, R)  
39 FR 36843 - 10/11/74  
Mod. #1 - 40 FR 18287 - 4/25/75

(H, Hw, W&S) - See Statewide

MONROE COUNTY  
(H, Hw, W&S) - See Statewide

OCONTO COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide

ONEIDA COUNTY  
(H, Hw, W&S) - See Statewide

OUTAGAMIE COUNTY  
(H, Hw, W&S) - See Statewide

OZAUCHEE COUNTY  
(B, R) - See Milwaukee County  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide

PEPIN COUNTY  
(B, R) - See Eau Claire County  
(H, Hw, W&S) - See Statewide

PIERCE COUNTY  
(H, Hw, W&S) - See Statewide

POLK COUNTY  
Decision #AR-3152 (B)  
39 FR 36823 - 10/11/74  
Mod. #1 - 40 FR 18284 - 4/25/75

(H, Hw, W&S) - See Statewide

PORTAGE COUNTY  
(H, Hw, W&S) - See Statewide

PRICE COUNTY  
(H, Hw, W&S) - See Statewide

RACINE COUNTY  
Decision #WI75-2064 (B, R)  
40 FR 21691 - 5/16/75

(D) - See Ashland County  
(H, Hw, W&S) - See Statewide

RICHLAND COUNTY  
(H, Hw, W&S) - See Statewide

ROCK COUNTY  
Decision #AR-3156 (B)  
39 FR 36831 - 10/11/74  
Mod. #1 - 40 FR 21658 - 5/16/75

(H, Hw, W&S) - See Statewide

RUSK COUNTY  
(H, Hw, W&S) - See Statewide

SAINT CROIX COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide

SAUK COUNTY  
(B) - See Dane County  
(H, Hw, W&S) - See Statewide

SAWYER COUNTY  
(H, Hw, W&S) - See Statewide

## WYOMING

STATEWIDE  
Decision #WY75-5011 (Hw)  
40 FR 4879 - 1/31/75  
Mod. #1 - 40 FR 16497 - 4/11/75

ALBANY COUNTY  
(Hw) - See Statewide

BIG HORN COUNTY  
(Hw) - See Statewide

CAMPBELL COUNTY  
(Hw) - See Statewide

CARBON COUNTY  
(Hw) - See Statewide

CONVERSE COUNTY  
Decision #WY75-5028 (B, H)  
40 FR 7887 - 2/21/75  
Mod. #1 - 40 FR 16497 - 4/11/75  
Mod. #2 - 40 FR 17473 - 4/18/75  
Mod. #3 - 40 FR 18287 - 4/25/75

CROOK COUNTY  
(Hw) - See Statewide

FREMONT COUNTY  
(Hw) - See Statewide

GOSHEEN COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide

HOT SPRINGS COUNTY  
(Hw) - See Statewide

JOHNSON COUNTY  
(Hw) - See Statewide

LARAMIE COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide

LINCOLN COUNTY  
(Hw) - See Statewide

NATRONA COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide

NIOBRARA COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide

PARK COUNTY  
(Hw) - See Statewide

PLATTE COUNTY  
(B, H) - See Converse County  
(Hw) - See Statewide

SHERIDAN COUNTY  
(Hw) - See Statewide

SUBLETTE COUNTY  
(Hw) - See Statewide

SWEETWATER COUNTY  
(Hw) - See Statewide

TETON COUNTY  
(Hw) - See Statewide

UINTA COUNTY  
(Hw) - See Statewide

WASHAKIE COUNTY  
(Hw) - See Statewide

[FR Doc.75-17102 Filed 7-2-75; 8:45 am]







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THURSDAY, JULY 3, 1975

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PART V



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## FEDERAL ENERGY ADMINISTRATION

■

### ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Coal Allocation and Construction  
of Power Plants



## Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

## PART 309—ALLOCATION OF COAL

## Allocation of Coal

A notice of proposed rulemaking was issued by the Federal Energy Administration ("FEA") on June 11, 1975 (June 13, 1975, 40 FR 25220) that proposed to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of Subpart D—Supply Orders, to Part 303—Administrative Procedures and Sanctions and the addition of Part 309—Allocation of Coal. These proposed amendments would implement section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319) ("ESECA") relating to the allocation of coal to powerplants or major fuel burning installations to which orders prohibiting the burning of natural gas or petroleum products as their primary energy source had been issued, and to other persons to the extent necessary to carry out the purposes of ESECA.

Written comments were invited from interested persons, to be submitted by June 23, 1975. In addition, a public hearing, at which six persons made oral presentations, was held on June 24, 1975. Including statements made at the public hearing, approximately 22 comments were received. All comments, including those received subsequent to June 23, 1975 have been reviewed and considered. Comments were received from coal producers, electric utilities and their representatives, national trade associations, and the United States Environmental Protection Agency ("EPA"). While certain modifications to the proposed regulations have been made reflecting FEA's consideration of these comments, presentations and other information available to FEA, the regulations are adopted essentially as proposed.

## GENERAL

Several comments on the proposed regulations concerned the expiration of authority stated in section 2(f) of ESECA prohibiting FEA from issuing "orders or rules" under section 2(d) subsequent to June 30, 1975. Many contended that section 2(f) also prohibits FEA from issuing specific allocation orders after that date even where such allocations are directed in accordance with regulations promulgated prior to June 30, 1975. FEA had specifically invited comments on this question, and after consideration of the substance of these comments, it believes that the prospective requirements imposed upon FEA by sections 3 and 7 of ESECA to exercise its coal allocation authority upon certain designations made by EPA, together with the legislative history of ESECA clearly require the approach set forth in the regulations, which are being adopted on that basis.

Most of those who commented confirmed FEA's initial conclusion with re-

spect to the immense practical problems associated with any program involving allocation of coal. Variations in sulfur content, and other coal characteristics such as ash fusion, BTU content, range of volatiles, temperatures and grindability, limit the fungibility of coal. In addition, the nature of coal supply systems imposes further limitations upon any such program. FEA has proposed, and hereby adopts a restrictive coal allocation program reflective of such realities.

A number of electric utility companies and their representatives provided comments on the proposal that implementation of coal allocations could result in their reduced access to established coal supplies and cause disruption to utility operations. While captive mines and supplies of coal covered by long term contracts are subject to allocation, the regulations have been modified to provide that quantities of coal that comprise an ultimate consumer's on-site inventory shall not be subject to allocation.

One commenter raised the possibility that actions taken under a supply order applicable to a captive mine owned by an electric utility company might conflict with the requirements and prohibitions imposed upon such companies by the Public Utility Holding Company Act of 1935 (155 USC 79, 1970). While in unusual cases a potential conflict between this Act and FEA's coal location regulations could occur, FEA intends to avoid any such result and shall, in each case where such Act may be applicable, consult with appropriate officials of the Securities and Exchange Commission to assure that no such conflict arises.

Representatives of coal producers among others, questioned FEA's authority to establish a price for coal subject to act in situations where the establishments were unable to negotiate a price. FEA does not believe that it is powerless to act in situations where the establishment of a price will be necessary to assure the effectuation of its statutory allocation authority. The procedures adopted provide FEA with reserve authority that is to be exercised only when the parties involved cannot agree to a price for the allocated coal. FEA emphasizes that the parties subject to an allocation order are expected to arrive at a price in the course of their own negotiations, but in cases where this is not achieved, FEA may act.

The factors that FEA shall take into account in making a determination of price, if required, shall be the average contract and spot prices for coal paid by purchasers of coal located in the geographic region to which the coal is to be provided, the particular conditions under which the coal will be provided including the duration of the supply order, the cost of transportation, the type of coal to be provided, and other conditions required to assure an equitable purchaser/supplier relationship. FEA intends that in the rare case where price determination must be made, the regulations will enable it to take into account the maxi-

mum number of conditions that are appropriate to the specific circumstances of the parties and the particular transaction.

ENVIRONMENTAL PROTECTION AGENCY  
COMMENTS

Pursuant to requirements of the Federal Energy Administration Act, the National Environmental Policy Act, and the Clean Air Act, the Environmental Protection Agency ("EPA") has provided a number of comments on FEA's coal allocation rulemaking. FEA published EPA's initial comments in the preamble to the proposed rulemaking. These were supplemented by additional written comments and discussions. FEA has carefully considered all of EPA's comments.

EPA's principal concern was with FEA's proposal that powerplants and major fuel burning installations that have been issued prohibition orders be ineligible to apply for an allocation of coal prior to a two-year period from the date, as stated in the Notice of Effectiveness issued in connection with the prohibition order, on which the source has begun to burn coal. EPA viewed the possible application of FEA coal allocation authority as a factor to be considered in its determination of the eligibility of a powerplant or major fuel burning installation for a compliance date extension. EPA suggested that FEA's coal allocation authority be used to ensure coal availability prior to the effective date and throughout the duration of any prohibition order.

FEA believes that this approach is undesirable. In view of FEA's finding as to coal availability in connection with the issuance of prohibition orders to powerplants, FEA has proposed a coal allocation program that is limited in scope and applicability. In addition to the substantial practical difficulties of allocating coal, which were consistently confirmed by the written comments and public testimony, FEA believes that its authority, as it relates to powerplants and major fuel burning installations that have been issued prohibition orders, is essentially discretionary in nature. Therefore, it is FEA's judgment that the process by which prohibition orders are issued and become effective should operate without regard to possible allocation of coal by FEA.

In addition, it is FEA's opinion that the negotiations between the recipient of a prohibition order and EPA for a compliance date extension should not be dependent on FEA's limited authority to allocate coal. The following letter from EPA, dated June 27, 1975, summarizes the results of the discussions between the agencies on this matter.

In accordance with section 7(c)(2) of the Federal Energy Administration Act and Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency reviewed and commented on the Federal Energy Administration's proposed rulemaking (10 CFR Parts 303, 309) "Allocation of Coal." EPA's initial comments were included in the preamble to the FEA FEDERAL REGISTER notice



of proposed rulemaking and more detailed comments elaborating on our initial concerns were transmitted to FEA on June 3, 1975. In order to address certain issues raised by EPA's comments, representatives of EPA and FEA met on June 26, 1975, to discuss the coal allocation program and its impact on EPA's program to insure compliance with Clean Air Act requirements.

Most of EPA's initial concerns are discussed in the preamble to FEA's final regulations, but we appreciate this opportunity to confirm an agreement on a related matter reached at the June 26 meeting. We believe that an understanding of this agreement will assist interested parties concerned about the manner in which FEA and EPA will resolve important specific questions related to coal availability as such questions may arise in connection with implementation of EPA's authority under Section 119 of the Clean Air Act.

One of EPA's initial comments on FEA's proposed coal allocation regulations was in the form of a suggestion that facilities issued prohibition orders under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) be made eligible for supply orders immediately upon issuance of a prohibition order. Our belief that such eligibility is appropriate is based upon the stated purposes of ESECA and the intent of Congress in authorizing FEA, in Section 2 (d) of ESECA, to allocate coal to carry out those purposes. We believe that an effective way to assure that appropriate coal is immediately obtained by facilities prohibited from using petroleum products or natural gas would be to provide for allocation of coal to such facilities where they are otherwise unable to obtain adequate supplies.

FEA, for other reasons, does not believe that any expansion of the allocation authority provided for in the proposed regulations would be in the national interest. We appreciate those concerns. FEA has likewise expressed an appreciation of EPA's concern that coal availability determinations under Section 119 of the Clean Air Act should be based on the best information available to either agency and that FEA, not EPA, may be in the best position to address specific questions on coal availability.

Therefore, in order to minimize any problems which could arise in connection with coal availability issues under Section 119 of the Clean Air Act, FEA has agreed to provide all possible assistance to EPA in making any determinations under section 119(c) (2) (A) (i) as to whether an applicant for a compliance date extension is eligible for such an extension because coal available to the applicant cannot be burned in compliance with all applicable air pollution requirements without such an extension. EPA will consult FEA in any case where a compliance date extension is sought and where the availability of coal which would enable immediate compliance with air pollution requirements is in dispute. Based upon information received from FEA, EPA will either find that such coal is available and deny the extension or find that such coal is not available and, assuming that all other eligibility criteria are satisfied, grant the extension. FEA has agreed that it will make every possible effort to insure that appropriate coal is secured as soon as possible. FEA has also agreed to provide to EPA, upon request, any information FEA might have on the availability to a compliance date extension applicant of coal of a specific quality.

We believe that participation by FEA, with its expertise in the fuels market, will be critical to EPA in making findings of eligibility for compliance date extensions. This participation will assist EPA in determining

the earliest appropriate date by which, in light of air pollution requirements, FEA's prohibition order may become effective. We hope that full cooperation by EPA and FEA in this regard will assure that coal availability questions can be answered properly in specific cases. If this is done, an expanded program to allocate coal to sources subject to prohibition orders will prove unnecessary.

FEA and EPA share responsibility for the implementation of ESECA. We believe that this agreement will help to assure that that implementation will be successful.

FEA continues to believe, as stated in its preamble to the proposed notice of rulemaking, that the ongoing operation of its coal utilization program should proceed independent of FEA's regulatory authority to allocate coal. Accordingly, FEA proposed to exercise its coal allocation authority only in exceptional circumstances, and the regulations as adopted reflect this carefully considered policy.

FEA has recommended that 10 CFR 309.4 provide for consultation with EPA before modification or rescission of a supply order applicable to persons subject to a fuel exchange requirement or located in an area designated by EPA that requires to the maximum extent practicable that available low sulfur fuel be distributed on a priority basis to avoid or minimize an adverse impact on public health. FEA believes that such provision for prior notice to EPA in such cases is appropriate and the proposed regulations are modified to reflect such change.

In connection with powerplants and major fuel burning installations that have been issued prohibition orders, EPA suggested that the requirement contained in § 309.3(a)(2), that they be burning coal pursuant to such order for a period of two years before such plants or installations are eligible to apply for an allocation, not be a requirement where allocations are sought in response to EPA environmental designations that fuel exchange requirements should be imposed or of areas requiring that low sulfur fuels be distributed therein on priority basis. FEA has modified § 309(a) to make clear that powerplants or major fuel burning installations that have been issued prohibition orders are not subject to the two year requirement of § 309(a) when FEA allocation authority is exercised in response to EPA designations.

The regulations as initially proposed provided that any person located in an area designated by the Administrator of EPA as an area that requires priority distribution of available low sulfur fuel would be eligible to apply for an allocation of coal. On the basis of its further analysis, FEA has determined that it is not practicable to provide for such application with respect to persons other than ultimate coal consumers. In this respect, Part 309 has been amended by adding the definition of "ultimate coal consumer" as any person who obtains coal for its own use and not for resale. Upon consideration of the comments of EPA, however, FEA believes that it is in the public interest that the Administrator of EPA also be able to make such application with respect to an ultimate consumer of

coal. Accordingly, the regulations have been modified to reflect this change including the addition of a definition of "ultimate coal consumer" as any person who obtains coal for its own use and not for resale.

In connection with this provision, EPA further suggested that it be revised to exclude the proposed requirement that a supply order not be issued unless FEA determines after consultation with EPA, that its issuance "would substantially further the Administrator's [of EPA] objectives in making such designation". In accordance with ESECA's directive that EPA exercise its allocation authority under section 7(a) of that Act to the "maximum extent practicable", the regulations reflect FEA's conclusion that it will be impracticable to order an allocation of low sulfur coal to users of significant volumes of coal, such as residential consumers. This criterion is proposed in order to limit the class of applicants to ultimate consumers of coal whose burning of low sulfur coal substantially affects the designated area and is not intended to interfere with EPA's findings with respect to the needs of the designated area.

FEA believes that the regulations, as finally adopted, establish authority and provide procedures for FEA to allocate coal in furtherance of the purposes of ESECA with respect to any supplier or other person that has access to supplies of coal, other than on-site inventories of ultimate consumers. In these regulations, the term "supplier" is followed by the term "(or other person)". "Other person" in this context is intended to include, among others, the supplier of an ultimate consumer's supplier where necessary to assure the effectuation of a particular allocation.

#### PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart D of Part 303, which establishes the procedures and sanctions governing supply orders as finally adopted reflects the above described changes as well as minor changes of a grammatical and technical nature. In addition, § 303.58 has been amended to require the parties that are the subject of a supply order to notify FEA that a mutually agreeable price has been established for the provision of the allocated coal within 10 days of such agreement. This is believed to be necessary to enable FEA to determine whether procedures should be initiated under § 303.61 for the determination of price.

In addition, certain conforming, technical amendments to Part 303 are adopted to take into account the addition of Subpart D and Part 309 to FEA's regulations implementing ESECA. Amendments also are made to Subpart Q of Part 303 to include civil and criminal penalties for violations of coal allocation rules or orders as provided by section 12 of ESECA. The regulations provide that it shall be unlawful for any person to offer for sale or distribute in commerce any coal in violation of a coal



allocation made under section 2(d). For knowing and willful violations by persons who have been previously subjected to a civil penalty for such violations, in accordance with § 303.202(c), a fine to up to \$50,000 or imprisonment for not more than six months or both may be imposed.

This proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular No. A-107 and has been determined not presently to require evaluation of its inflationary impact as provided for therein. If FEA considers issuing supply orders under these regulations which would have the impact of a major proposal, a further evaluation will be undertaken.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below.

(Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

Issued in Washington, D.C. on June 30, 1975.

DAVID G. WILSON,  
*Acting General Counsel,*  
*Federal Energy Administration.*

1. Section 303.1 of 10 CFR Chapter II is amended by revising paragraph (a) to read as follows:

#### § 303.1 Purpose and scope.

(a) Part 303 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration in accordance with Parts 305, 307 and 309 of this chapter.

2. Section 303.2 is amended to revise the following definitions and to add the definitions of "Supplier," "Supply order," and "Stationary source," to read as follows:

#### § 303.2 Definitions.

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Parts 303, 305, 307, or 309 of this chapter.

"Notice of probable violation" means a written statement issued to a person by the FEA that states one or more alleged violations of the provisions of Parts 303, 305, 307, or 309 of this chapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the FEA pursuant to Parts 303, 305, 307, or 309 of this chapter.

"Supplier" means any person that produces or mines coal (or that owns, leases, operates or controls the means by which such coal is produced or mined), or any person that owns, leases or controls a deposit of coal that is mined for the pur-

pose of selling, exchanging or otherwise providing coal to other persons or to itself.

"Supply order" means a directive issued by FEA pursuant to a rule promulgated pursuant to section 2(d) of ESECA requiring that an authorized purchaser, including a powerplant, major fuel burning installation or other person, be provided coal by a designated supplier (or other person) in accordance with stated terms and conditions.

"Stationary source" means any building, structure, facility, or installation including any person who owns, leases, operates, controls or supervises any one or more of the foregoing, which emits or may emit any air pollutant, as such terms are used in the Clean Air Act.

3. Section 303.4 is amended by revising the first sentence in paragraph (a) to read as follows:

#### § 303.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the FEA under this Part 303, Part 305, Part 307, or Part 309 of this chapter is considered to be filed when it has been received by the FEA National Office.

#### § 303.5 [Corrected]

4. FR Doc. 75-12163, published in part at page 20467 in the issue of Friday, May 9, 1975, is corrected by changing the heading "§ 305.3 Computation of time." to read "§ 303.5 Computation of time."

5. Section 303.9 is amended by revising the last sentence of paragraph (d)(1) and the last sentence of paragraph (e) to read as follows:

#### § 303.9 General filing requirements.

(d) *Obligation to supply information.*  
(1) \* \* \* Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action or document required to be submitted that is subsequently filed by that person with any FEA office or EPA office if such document pertains to this Part 303, Part 305, Part 307, Part 309, or Part 215 of this chapter, or Subpart A of 40 CFR Part 55 (which states the EPA regulations implementing section 3 of ESECA).

(e) *The same or related matters.* \* \* \*  
In addition, the person shall state whether contact subsequent to the issuance of this Part 303, Part 305, Part 307, Part 309, or Part 215 of this chapter has been made by the person or one acting on his behalf with any person who is employed by the FEA or EPA with regard to the same issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contract.

6. Section 303.10 is amended by revising the first sentence of paragraph (a) to read as follows:

#### § 303.10 Effective date of orders.

(a) Any order issued by the FEA under Parts 303, 305, 307 or 309 of this chapter, except a prohibition order (or modification thereof) or a construction order as stated in paragraph (b) of this section is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless it is stayed, modified, suspended, or rescinded.

7. Section 303.11 is revised to read as follows:

#### § 303.11 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provisions of Parts 305, 307 or 309 of this chapter, the provisions of this part shall control with respect to procedure.

8. Section 303.12 is amended by revising subparagraph (a)(1) to read as follows:

#### § 303.12 Addresses for filing documents with the FEA.

(a)(1) All applications, requests, petitions, appeals, reports, FEA forms, written communications and other documents to be submitted to or filed with the FEA National Office in accordance with this Part 303, Part 305, Part 307 or Part 309 of this chapter shall be addressed as provided in this section.

9. Chapter II of Title 10 of the Code of Federal Regulations is amended to add Subpart D to Part 303, to read as follows:

#### Subpart D—Supply Orders

Sec.	
303.50	Purpose and scope.
303.51	Who may file.
303.52	What to file.
303.53	Where to file.
303.54	When to file.
303.55	Notice.
303.56	Contents.
303.57	FEA evaluation.
303.58	Decision and order.
303.59	Timeliness.
303.60	Appeal.
303.61	Determination of the price at which coal shall be provided.

AUTHORITY: Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185).

#### Subpart D—Supply Orders

#### § 303.50 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an application for a supply order, and for the determination of the fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser.

(b) A proceeding for the issuance of a supply order may be commenced by FEA in response to an application from a powerplant or major fuel burning instal-



lation that has been issued a prohibition order; by FEA in response to designation by the Administrator of EPA, in accordance with section 119(j) of the Clean Air Act, of persons upon whom a fuel exchange requirement should be imposed; in response to an application from any ultimate coal consumer who is located in an area of the United States that has been designated by the Administrator of EPA, in accordance with section 7(a) of ESECA, as requiring low sulfur fuel to avoid or minimize adverse impact on public health or from the Administrator of EPA with respect to such ultimate consumer; or by FEA on its initiative. Sections 303.55, 303.57, 303.58, and 303.60 shall be applicable to the proceeding regardless of the manner in which it is initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

(c) The procedures for a proceeding for the determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser are separately stated in § 303.61, and the procedures stated in § 303.50(b) and in § 303.51 to and including § 303.60 are not applicable to such proceeding.

#### § 303.51 Who may file.

Any powerplant or major fuel burning installation that has been burning coal as its primary energy source in accordance with an effective prohibition order for two or more years and which can satisfy the criteria stated in § 303.57(b), or any ultimate coal consumer located in an area of the United States that is designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low-sulfur coal be distributed to it to avoid or minimize an adverse impact on public health, or the Administrator of EPA with respect to an ultimate consumer of coal located in such area, may file an application for a supply order.

#### § 303.52 What to file.

(a) A powerplant, major fuel burning installation, the Administrator of EPA or other person filing under this subpart shall file an "Application for Supply Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made, in the case of a powerplant for an allocation of coal to an individual powerplant or for combinations thereof at a single site, and in the case of a major fuel burning installation, for an allocation of coal to an individual fossil-fuel fired boiler, burner or other combustor of fuel, or for combinations thereof at a single site. The application should specify the powerplant (or powerplants) or combustor of fuel (or combinations of combustors)

with respect to which application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

#### § 303.53 Where to file.

All applications for a supply order shall be filed with the FEA National Office at the address provided in § 303.12.

#### § 303.54 When to file.

(a) An application for a supply order by a powerplant or major fuel burning installation that has been issued a prohibition order applicable after June 30, 1975 may not be filed prior to expiration of a two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with §§ 303.10(b) and 303.37(b), on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source.

(b) An application for a supply order by a powerplant or major fuel burning installation may be filed in conjunction with an application for modification or rescission of a prohibition order in accordance with Subpart J of this part, except that an application for a supply order cannot be filed prior to expiration of the two-year period described in paragraph (a) of this section.

#### § 303.55 Notice.

(a) The FEA shall serve notice only any person readily identifiable by the FEA as one who will be aggrieved by the FEA action and may serve notice on any other person that written comments regarding the proceeding for issuance of a supply order will be accepted if filed within 20 days of service of the notice; or may determine that notice of such action should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

#### § 303.56 Contents.

(a) (1) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts,

agreements, leases, instruments, and other documents shall be submitted with the application.

(2) In the case of an application by a powerplant or major fuel burning installation, the application shall fully describe the events, acts or transactions that comprise the significantly changed circumstances, as that term is defined in § 303.57(b) (1) (ii).

(3) In addition to such information, the application, whether filed by a powerplant or major fuel burning installation that has been issued a prohibition order or by an ultimate coal consumer located in an area designated by the Administrator of EPA as an area that requires, to the maximum extent practicable that available low-sulfur fuel be distributed to it to avoid or minimize an adverse impact on public health, or by the Administrator of EPA with respect to such ultimate consumer, shall, to the extent such information is accessible to the applicant, include the following information:

(i) Description of powerplant (or powerplants) or, boiler, burner or other combustor of fuel (or combinations of combustors for which the applicant is seeking an allocation of coal, including, but not limited to, location, firing rate, coal handling and storage facilities and equipment, and transportation facilities of the applicant or ultimate coal consumer.

(ii) Quantity and type of coal (which includes, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) required, the range of types of coal that can be utilized by the applicant or the ultimate coal consumer and the duration of the requirement for such coal.

(iii) The price, including transportation costs, the applicant or the ultimate coal consumer has paid for similar quantities of the type of coal sought, giving terms and conditions under which such coal was provided, or the current market price, giving the source of that information.

(iv) A description of the applicant's or ultimate coal consumer's efforts to find suppliers (or other persons) to provide the coal, including the identification of all suppliers (or other persons) who have provided coal to the applicant or ultimate coal consumer in the two years prior to the date the application is filed.

(v) The identification of suppliers (or other persons) who have the capability to provide the coal of the type, quantity and for the duration required, and the means by which such coal could be transported to the applicant or ultimate coal consumer.

(vi) The identification of any previous supply order that has been issued to the applicant or ultimate coal consumer or to any person that controls or is controlled by the applicant or the ultimate coal consumer.

(vii) An estimate of the anticipated effect that denial of the requested supply



order would have on the applicant or the ultimate coal consumer.

(viii) Any other information that the applicant or the ultimate coal consumer believes would be pertinent to FEA's evaluation of the application.

(ix) A certification by the applicant's chief executive officer, his duly authorized representative, or by the applicant of the accuracy of the information stated in the application.

#### § 303.57 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application provided that the applicant or ultimate coal consumer is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant or ultimate coal consumer, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications filed by powerplants or major fuel burning installations prior to expiration of the two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with § 303.10(b) or 303.37(b), on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source, shall be dismissed automatically.

(b) *Criteria.* (1) (i) Coal may be allocated to any powerplant or major fuel burning installation that has been issued a prohibition order, by issuance of a supply order to a supplier (or other person), only if it is determined—

(A) That significantly changed circumstances have occurred that would substantially affect the finding of coal availability that FEA must make in accordance with §§ 305.3(b)(3)(i) or 305.4(b)(3)(i) of this chapter, as appropriate; and

(B) The issuance of a supply order is feasible. ("Feasible" is defined in § 309.3(a) of this chapter).

(ii) For purposes of this subparagraph, "significantly changed circumstances" shall mean—

(A) The discovery of material facts that were not known or could not have been known at the time the prohibition order became effective in accordance with § 305.7(b) of this chapter, and upon which the finding that FEA must make in

accordance with §§ 305.3(b)(3)(i) or 305.4(b)(3)(i) of this chapter is based;

(B) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(C) There has been a substantial change in the facts or circumstances upon which said finding was based, which change occurred during the interval between the date the powerplant or major fuel burning installation commenced the burning of coal as its primary energy source as a result of a prohibition order and the date of the application for a supply order.

(2) A supply order shall be issued to any person designated by the Administrator of EPA as one upon whom a fuel exchange requirement should be imposed to avoid or minimize the adverse impact on public health and welfare of the conversion by any fuel burning stationary source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, or allocation of coal, or allocation of petroleum products under the authority of the Emergency Petroleum Allocation Act of 1973, unless the FEA determines (after consultation with the Administrator of EPA) that the costs or consumption of fuel resulting from requiring such exchange will be excessive. The decision with respect to whether the cost or consumption of fuel is excessive shall be based upon an evaluation of the criteria stated in § 309.3(b) of this chapter.

(3) A supply order shall be issued, to the maximum extent practicable, to any ultimate coal consumer located in an area of the United States that has been designated by the Administrator of EPA as an area that requires that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize an adverse impact on public health. The decision with respect to whether the issuance of an order is practicable shall be based upon an evaluation of the criteria stated in § 309.3(c) of this chapter.

#### § 303.58 Decision and order.

(a) Upon consideration of an application for a supply order and other relevant information received or obtained during the proceeding, the FEA shall issue either a supply order or an order denying the application.

(b) (1) The order shall include a written statement summarizing the factual and legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(2) If the order is a supply order, it also shall state the powerplant, major fuel burning installation other ultimate consumer of coal or other person to whom the coal is to be provided, the quantity and type of coal to be provided,

the duration of the obligation to supply such coal and the delivery schedule at which such coal is to be provided. In addition, such order shall provide that the supplier (or other person) and the authorized purchaser shall have 30 days in which to negotiate a price at which such coal is to be provided, and that if they are unable to reach a mutually agreeable price during that period of time, within 10 days after termination of that 30-day period, an application shall be filed with FEA, in accordance with § 303.61, for the determination of a fair and reasonable price at which coal allocated by issuance of such supply order shall be provided to an authorized purchaser; or if a mutually agreeable price is reached, FEA shall be informed of such price within 10 days of the date the supplier (or other person) and the authorized purchaser agree to such price.

(3) A supply order issued to an ultimate consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low-sulfur coal be distributed to it on a priority basis to avoid or minimize adverse impact on public health, may state that existing or prospective coal supply contracts between a supplier (or other person) and an ultimate consumer of coal located in such area shall be given priority over the supplier's (or other person's) other existing or prospective coal supply contracts.

(c) Prior to issuance of a supply order, the FEA shall provide, in accordance with § 303.55(a), the specified supplier (or other person) reasonable opportunity to comment on the factual basis for the issuance of such proposed order and the impact such order may have upon the proposed supplier (or other person). To the extent a proposed supplier's (or other person's) comments, present facts or other information that materially differ from those in the application, the applicant shall be advised and given an opportunity to respond, which response may be verbal or in writing, at FEA's discretion.

(d) The FEA shall serve a copy of the order upon the supplier (or other person) who will be directed to provide the coal (when the order is a supply order), and upon the applicant, the ultimate coal consumer with respect to which the application was made, if other than the applicant, and any other person reasonably identifiable by the FEA as one who is aggrieved by said order.

#### § 303.59 Timeliness.

If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

#### § 303.60 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance



with Subpart H of this part. The appeal shall be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant may treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

**§ 303.61 Determination of price at which coal shall be provided.**

(a) *Purpose and scope.* (1) This section establishes the procedures by which a supplier (or other person), any ultimate consumer of coal (including a powerplant or major fuel burning installation) for which an application for a supply order has been granted by FEA, or any person designated by EPA as a person upon whom a fuel exchange requirement should be imposed may file an application for the determination by FEA of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser. This section also contains the procedures by which FEA may make such determination on its own initiative.

(2) The procedures established by this section may not be available, in FEA's discretion, to persons issued supply orders that (i) require that there be a fuel exchange by persons designated by the Administrator of EPA with respect to whom fuel exchange requirements should be imposed to avoid or minimize the adverse impact on public health and welfare of certain specific actions identified in § 309.3 (b) and (c) of this chapter, or (ii) provide that available low sulfur coal will be distributed on a priority basis to ultimate consumers of coal in those areas of the United States designated by the Administrator of EPA as requiring low sulfur coal to avoid or minimize adverse impacts on public health.

(3) A proceeding for determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser may be commenced by FEA on its initiative, in accordance with paragraph (d) of this section and § 309.3(d) (1) (ii) of this chapter, or in response to an application. Paragraphs (e), (g), (h), (i) and (j) of this section shall be applicable regardless of the manner in which the proceeding is initiated. Other paragraphs of this section shall apply only to a proceeding commenced in response to an application.

(b) *What to file.* (1) A person filing under this section shall file an "Application for Determination of Price" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(2) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this section, the procedures set out in § 303.9(f) shall apply.

(c) *Where to file.* All applications for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser shall be filed at the FEA National Office at the address provided in § 303.12.

(d) *When to file.* All applications for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser shall be filed within 10 days after the expiration of the 30-day period, as provided in the supply order, during which the supplier (or other person) and the authorized purchaser are to negotiate a price at which such coal will be provided. The failure to file an application within such 10-day period may be cause for FEA to commence proceedings on its initiative for the determination of such fair and reasonable price.

(e) *Notice.* (1) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 309(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA National Office, at the address provided in § 303.12, within 10 days of service of such application. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this subparagraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(2) Notwithstanding the provisions of subparagraph (1) of this section, if an applicant determines that compliance with subparagraph (1) of this section would be impracticable, the applicant shall:

(i) Comply with the requirements of subparagraph (1) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(ii) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by subparagraph (1) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(3) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice

on any other person that written comments regarding the application will be accepted if filed within 10 days of service of such notice.

(4) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9 (f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

(f) *Contents.* (1) The application shall contain a full and complete statement of all relevant facts pertaining to the negotiations regarding the price at which the specified coal is to be provided under the supply order, and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following:

(i) The first offer regarding the price and other terms and conditions affecting price at which such coal would be sold or purchased, as appropriate, and the final offer of such price and terms and conditions.

(ii) The basis on which there was not acceptance of the final offer of a price and other terms and conditions affecting price at which to sell or purchase, as appropriate, such coal, which basis shall include any financial analysis utilized to justify a rejection of the last offer.

(iii) Copies of all contracts, agreements, leases, instruments or other documents by which the applicant has obtained or provided coal, as appropriate, of a type similar and in a quantity similar to that described in the supply order during the period terminating two years prior to the date of the application; or if such coal has not been obtained or provided in accordance with terms and conditions stated in a document, a statement of the price at which coal of a type similar and in a quantity similar to that described in the supply order has been obtained or provided, as appropriate, during the period terminating two years prior to the date of the application, along with any documents that support the price at which such transactions occurred.

(iv) Copies of the most recent annual report and Securities and Exchange Commission forms 10-K and, if appropriate, U-5-S.

(v) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(vi) A certification by the applicant's chief executive officer, his duly authorized representative or the applicant of the accuracy of the information stated in the application.



(g) *FEA evaluation.* (1) *Processing.* The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document, provided, that the applicant is afforded an opportunity to respond to all relevant third persons submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) *Criteria.* The decision with respect to an application and the decision with respect to an FEA-initiated proceeding shall be subject to the criteria stated in § 309.3(d) of this chapter.

(h) *Decision and order.* (1) Upon consideration of the application for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser and other relevant information received, the FEA shall issue an order that shall be a modification of the supply order to state the price at which the coal specified therein shall be provided for the duration of the supply order by the specified supplier (or other person).

(2) The order shall include a written statement setting forth the pertinent facts and the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(3) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

(i) *Timeliness.* The order shall be issued by FEA within 30 days of receipt of all substantive information deemed necessary to process an application filed under this section, and the FEA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to § 303.61(e).

(j) *Appeal.* Any person aggrieved by an order issued by the FEA under this section may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

#### § 303.80 [Amended]

10. Section 303.80 is amended by revising the second sentence to read as fol-

lows: "The applicant must be seeking an exemption from no less than an entire part, or subpart thereof, of Parts 303, 305, 307, or 309 of this chapter.

11. Section 303.88 is amended by revising subparagraph (b)(1) to read as follows:

#### § 303.88 Appeal.

(b) \* \* \*

(1) The exemption sought is not from each or all of this Part 303, Part 305, Part 307, or Part 309, or a subpart thereof, of this chapter;

12. Section 303.100 is revised to read as follows:

#### § 303.100 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administrative appeal of FEA actions taken under Subparts B, C, D, E, F, G, J, K, or P of this part and the consideration of such appeal by the FEA.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, D, E, F, G, J, K, or P of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

13. Section 303.101 is revised to read as follows:

#### § 303.101 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subparts B, C, D, E, F, G, J, K, or P, of this part may file an appeal.

14. Section 303.180 is revised to read as follows:

#### § 303.180 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations stated in Parts 303, 305, 307, and 309 of this chapter.

15. Section 303.190 is revised to read as follows:

#### § 303.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations stated in this Part 303, Parts 305, 307 and 309 of this chapter and the procedures for issuance of a notice of probable violation, a remedial order, or a remedial order for immediate compliance.

(b) When any report required by the FEA or any audit or investigation discloses, or the FEA otherwise discovers, that there is reason to believe a violation of any provision of this Part 303, Parts 305, 307, or 309 of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of prob-

able violation or by issuing a remedial order for immediate compliance.

16. Section 303.202 is amended by revising paragraphs (a) and (b) and paragraph (c) (1) to read as follows:

#### § 303.202 Sanctions.

(a) *General.* Any person who violates any provision of this Part 303, Parts 305, 307 or 309 of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this Part 303, Part 305, Part 307, or Part 309 of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this part relating to criminal fines and civil penalties.

(b) *Criminal fines.* (1) Any person who willfully violates any provision of this Part 303, Part 305, Part 307 or Part 309 of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than \$5,000 for each violation.

(2) Any person who knowingly and willfully offers for sale or distributes in commerce any coal in violation of any provision of Part 309 of this chapter or any order issued pursuant thereto, after having been subject to a civil penalty under paragraph (c) of this section for a prior violation of the provisions of Part 309 of this chapter or any order issued pursuant thereto, shall be subject to a fine of not more than \$50,000 or imprisonment for not more than six months, or both, for each violation.

(3) Criminal violations are prosecuted by the Department of Justice upon referral by FEA.

(c) *Civil penalties.* (1) Any person who violates any provision of this Part 303, Part 305, Part 307 or Part 309 of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than \$2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

17. Chapter II of Title 10 of the Code of Federal Regulations is amended to add Part 309, to read as follows:

Sec.  
309.1 Scope.  
309.2 Definitions.  
309.3 Method of allocation.  
309.4 Modification and rescission of supply orders.

AUTHORITY: Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185).

#### § 309.1 Scope.

(a) *Applicability.* This part applies to—

(1) any powerplant or major fuel burning installation that has been issued a prohibition order;



(2) any person designated by the Administrator of EPA as one upon whom fuel exchange requirements should be imposed to avoid or minimize the adverse impact on public health and welfare of (i) the conversion by any fuel burning source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, (ii) an allocation of coal under section 2(d) of ESECA, or (iii) an allocation of petroleum products under the authority of the Emergency Petroleum Allocation Act of 1973;

(3) any ultimate consumer of coal located in an area of the United States that is designated by the Administrator of EPA as an area that requires that available low-sulfur fuel be distributed to it, to the maximum extent practicable, on a priority basis to avoid or minimize adverse impact on public health; and

(4) any supplier or (other person) that provides, or is capable of providing, coal, other than quantities of coal that comprise an ultimate consumer's on-site coal inventory, to any person, including itself, whether by sale, exchange or otherwise.

(b) *Purpose.* This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2(d) of ESECA to allocate coal to certain powerplants and major fuel burning installations and to other persons to the extent necessary to carry out the purposes of ESECA.

### § 309.2 Definitions.

For purposes of this part—

"Action" means a supply order, or modification or rescission of such order, issued by FEA pursuant to section 2(d) of ESECA.

"Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) of section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel or any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 *et seq.* (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119(c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirements, from burning coal which is available to such source, except as otherwise provided in section 119(d)(3) of that Act.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combustor of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates or controls any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Notice of effectiveness" means both a written statement issued by FEA to a powerplant or major fuel burning installation, subsequent to a certification or notification by EPA pursuant to section 119(d)(1) of the Clean Air Act, advising such powerplant or installation of the date that a prohibition order applicable to it becomes effective; and a written statement issued by FEA to a powerplant in the early planning process advising such powerplant of the date that a construction order applicable to it becomes effective.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls,

(b) A parent and its consolidated entities,

(c) An unconsolidated entity, or

(d) Any part of a person.

(The term "person" as used in this part or in Subpart D of Part 303 of this chapter shall include, when appropriate, a "stationary source", as such term is defined in this part.)

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means a fossil-fuel fired steam electric generating unit that produces electric power for purposes of sale or exchange, and includes any person who owns, leases, operates or controls any such unit.

"Primary energy source" means, with respect to a powerplant or major fuel

burning installation that utilizes a fossil-fuel, the fuel that is or will be used for all purposes except for the minimum amounts required for start-up, testing, flame stabilization and control; and except for such minimum amounts required to enable such powerplant or major fuel burning installation to comply with applicable primary standard conditions prescribed by EPA in accordance with 40 CFR 55.04: *Provided*, Such minimum amounts of fuel may be used *only* when such primary standard conditions include the utilization of intermittent control systems and only during such temporary periods as use of such minimum amounts is absolutely necessary to meet the terms of the primary standard conditions relating to use of intermittent control systems.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA either on its initiative, which may be in response to the designation by the Administrator of EPA of persons upon whom a fuel exchange requirement is to be imposed, or in response to an application submitted by a powerplant or major fuel burning installation that has been issued a prohibition order or by any ultimate consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize adverse impact on public health, that may lead to an action by the FEA or by the Administrator of EPA with respect to such ultimate consumer.

"Prohibition order" means a directive issued by FEA pursuant to section 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Stationary source" means any building, structure, facility, or installation including any person who owns, leases, operates, controls or supervises any one or more of the foregoing, which emits or may emit any air pollutant, as such terms are used in the Clean Air Act.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112 or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v) of such Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Supplier" means any person that produces or mines coal (or that owns, leases, operates or controls the means by which such coal is produced or mined), or any person that owns, leases or controls a



deposit of coal that is mined for the purpose of selling, exchanging or otherwise providing coal to other persons or to itself.

"Supply order" means a directive issued by FEA pursuant to a rule promulgated pursuant to section 2(d) of ESECA requiring that an authorized purchaser, (including a powerplant, major fuel burning installation, an ultimate consumer, supplier or other person,) be provided coal by a designated supplier (or other person) in accordance with stated terms and conditions.

"Ultimate coal consumer" means any person who obtains coal for its own use and not for resale.

"United States," when used in the geographic sense, means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

### § 309.3 Method of allocation.

(a)(1) Subject to subparagraph (2) of this paragraph, a powerplant or major fuel burning installation that has been issued a prohibition order applicable after June 30, 1975, upon application or at FEA's initiative, may be provided specified quantities of coal during any specified period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order, provided that such allocation of coal is feasible. For purposes of this paragraph the determination whether an allocation of coal by means of the issuance of a supply order is feasible shall include an analysis of—

(i) The type of coal required by the powerplant or major fuel burning installation and the location of such coal; and

(ii) The ability of the specified supplier (or other person) to provide the coal, including, but not limited to, the production facilities and capability, supply of coal, means and availability of transportation, the supplier's (or other person's) existing contractual commitments for coal, a comparison of the cost of such coal with the fuel cost expectations of the powerplant or major fuel burning installation, and with respect to powerplants, the impact of the cost of such coal on electric power rates.

(2) No powerplant or major fuel burning installation that has been issued a prohibition order shall be eligible under this paragraph for an allocation of coal (i) prior to expiration of a two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with § 303.10 and 303.37(b) of this chapter, on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source; and (ii) unless such powerplant or major fuel burning installation has demonstrated that the FEA finding that must

precede issuance of a prohibition order as to availability of coal, as provided in §§ 305.3(b)(3)(i) and 305.4(b)(3)(i) of this chapter, has been substantially affected by significantly changed circumstances, as such term is defined in § 303.57(b)(1)(ii) of this chapter.

(3) FEA may issue a supply order to any supplier (or other person) to require that coal be provided to a powerplant or to combinations thereof at a single site, or be provided to an individual fossil-fuel fired boiler, burner or other combuster of fuel, or to combinations thereof at a single site.

(b) Any person designated by the Administrator of EPA as one upon whom a fuel exchange requirement should be imposed to avoid or minimize the adverse impact on public health and welfare of the conversion by any fuel burning stationary source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, or of an allocation of coal or petroleum products, shall be provided, by exchange, specified quantities of coal during any period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order to such supplier (or other person) unless FEA determines (after consultation with the Administrator of EPA) that the costs or consumption of fuel resulting from requiring such exchange will be excessive. For purposes of this paragraph, the determination whether the costs or consumption of fuel resulting from such fuel exchange will be excessive shall include an analysis, with respect to each person upon whom the fuel exchange requirement is to be imposed, of—

(1) The costs associated with burning such fuel, including the price of coal, transportation, any new equipment or the modification of existing equipment required to burn such coal and the disruption of contractual commitments, as compared with the fuel burning costs of each person if no fuel exchange requirement is imposed;

(2) A comparison of the rate of usage of the fuel presently utilized by the person designated with the coal proposed to be utilized; and

(3) The costs to consumers of goods and services that may be affected by the imposition of a fuel exchange requirement.

(c) Any ultimate coal consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize adverse impact on public health, upon application, or upon application of the Administrator of EPA with respect to such ultimate consumer, may be provided to the maximum extent practicable, specified quantities of coal during any period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order. For purposes of this paragraph, the determination whether the distribution

of coal on a priority basis within a designated area is practicable shall include an analysis of—

(1) The type of coal that is required to satisfy the needs of ultimate consumers of coal within the designated area, the availability of such coal and the capability of a supplier (or other person) to meet the demand resulting from the imposition of such requirement, the means and availability of transportation of such coal to ultimate consumers of coal located within the designated area;

(2) The adverse economic impact, if any, that the setting of a priority for the providing of such coal to ultimate consumers of coal located in the designated area would have on a supplier (or other person) and on the persons to whom such supplier (or other person) currently provide or intend to provide coal; and

(3) The extent to which FEA finds, after consulting with the Administrator of EPA, that the providing of such coal to ultimate coal consumers located in the designated area would substantially further the Administrator of EPA's objectives in making such designation.

(d)(1)(i) Upon issuance of a supply order, the specified supplier (or other person) shall provide the coal in accordance with the terms and conditions stated in such order. Such terms and conditions shall include, but not be limited to, the person to whom the coal is to be provided, quantity of coal to be provided, duration of supply obligation, type of coal, and delivery schedule.

(ii) The order also shall provide that within 30 days from the issuance of such order, the person to be provided coal and the supplier (or other person) shall agree upon a fair and reasonable negotiated price at which such coal shall be provided for the duration of the supply order or, in the case of a fuel exchange, a fair and reasonable price differential, if appropriate. The order shall state that if the parties are unable to agree, either may, within 10 days after the expiration of the 30-day period, file an application for a determination by FEA of a fair and reasonable price at which the allocated coal shall be provided. The order shall state that where no agreement as to price is reached, or where no application for FEA determination has been filed within the 10-day period, FEA may, for the purpose of assuring effectuation of the supply order, initiate proceedings for the determination of a fair and reasonable price. The order shall provide that where agreement as to price is reached, the supplier (or other person) shall inform FEA of such price within 10 days of the date agreement is reached.

(2) If FEA is required to determine the fair and reasonable price at which coal is to be allocated by issuance a supply order, FEA shall use as guidelines in establishing such price the average contract and spot prices of coal paid by purchasers of coal located in the geographic



region to which the allocated coal is to be provided, as reported in the *Monthly Fuel Cost and Quality Information* issued by the Federal Power Commission for the most recent month for which such average prices are listed. In establishing such price, FEA shall take into consideration the particular conditions under which the coal will be provided, including the duration of the supply order, the cost of transportation, the type of coal to be provided and any other conditions which, in the discretion of FEA, should be considered in order to assure an equitable purchaser-supplier relationship between the supplier (or other person) and the authorized purchaser.

(3) A supply order that directs a supplier (or other person) to provide coal to an ultimate consumer of coal located

in an area of the United States designated by the Administrator of EPA as an area requiring, to the maximum extent practicable, available low sulfur fuel to avoid or minimize adverse impact on public health may require that existing or prospective coal supply contracts between the supplier (or other person) and an ultimate consumer of coal located in such area be given priority over the supplier's (or other person's) other existing or prospective coal supply contracts.

#### § 309.4 Modification and rescission of supply orders.

FEA may modify or rescind any supply order, at any time up to and including December 31, 1978. A modification or rescission of a supply order may be the result of an FEA action taken on its initiative or at the conclusion of proceed-

ings initiated by an application. Modification or rescission of a supply order initially issued in response to designations by the Administrator of EPA shall be initiated only after consultation with the Administrator of EPA.

#### § 309.5 Procedures.

(a) All applications for a supply order or modification or rescission thereof shall be filed with FEA in accordance with Subparts D and K, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of supply orders, the modification or rescission thereof, or appeal of such orders (e.g., notice, content of order, process of evaluation, appeal) are stated in Subparts D, H and K, respectively, of Part 303 of this chapter.



FEDERAL ENERGY ADMINISTRATION  
Energy Supply and Environmental Coordination Act

Issuance of Prohibition Orders and  
Construction Orders to Certain Powerplants

Prohibition Orders

The Federal Energy Administration ("FEA") hereby gives notice that on June 30, 1975 it issued prohibition orders, pursuant to the authorities granted it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974 ("ESECA") and in accordance with 10 C.F.R., Parts 303 and 305, to the following powerplants:

<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-001	Ames Electric Utility	7	Ames	Ames, Iowa
OFU-002	Iowa Electric Light and Power Company	1	Sutherland	Marshalltown, Iowa
OFU-003	Iowa Electric Light and Power Company	2	Sutherland	Marshalltown, Iowa
OFU-004	Iowa Electric Light and Power Company	3	Sutherland	Marshalltown, Iowa
OFU-005	Iowa Power and Light Company	10	Des Moines	Des Moines, Iowa
OFU-006	Iowa Power and Light Company	11	Des Moines	Des Moines Iowa
OFU-007	Iowa Public Service Company	1	George Neal	Salix, Iowa
OFU-008	Iowa Public Service Company	14	Maynard Station	Waterloo, Iowa
OFU-009	Kansas City Board of Public Utilities	1	Kaw River	Kansas City, Kansas



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-010	Kansas City Board of Public Utilities	2	Kaw River	Kansas City, Kansas
OFU-011	Kansas City Board of Public Utilities	3	Kaw River	Kansas City, Kansas
OFU-012	Kansas City Board of Public Utilities	1	Quindaro #3	Kansas City, Kansas
OFU-013	Kansas City Board of Public Utilities	2	Quindaro #3	Kansas City, Kansas
OFU-014	Kansas City Power and Light Company	3	Hawthorne	Kansas City, Missouri
OFU-015	Kansas City Power and Light Company	4	Hawthorne	Kansas City, Missouri
OFU-016	Kansas City Power and Light Company	5	Hawthorne	Kansas City, Missouri
OFU-017	Kansas Power and and Light Company	3	Lawrence	Lawrence, Kansas
OFU-018	Kansas Power and and Light Company	4	Lawrence	Lawrence, Kansas
OFU-019	Kansas Power and Light Company	5	Lawrence	Lawrence, Kansas
OFU-020	Kansas Power and Light Company	9	Tecumseh	Tecumseh, Kansas
OFU-021	Kansas Power and Light Company	10	Tecumseh	Tecumseh, Kansas
OFU-022	Nebraska Public Power District	1	Sheldon	Columbus, Nebraska
OFU-023	Nebraska Public Power District	2	Sheldon	Columbus, Nebraska
OFU-024	Springfield City Utilities	3	James River	Springfield, Missouri
OFU-025	Springfield City Utilities	4	James River	Springfield, Missouri



<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-026	Potomac Electric Power Company	1	Morgantown	Newburg, Maryland
OFU-027	Potomac Electric Power Company	2	Morgantown	Newburg, Maryland
OFU-028	Virginia Electric Power Company	3	Chesterfield	Chester, Virginia
OFU-029	Virginia Electric Power Company	4	Chesterfield	Chester, Virginia
OFU-030	Virginia Electric Power Company	5	Chesterfield	Chester, Virginia
OFU-031	Virginia Electric Power Company	6	Chesterfield	Chester, Virginia
OFU-032	Virginia Electric Power Company	1	Yorktown	Yorktown, Virginia
OFU-033	Virginia Electric Power Company	2	Yorktown	Yorktown, Virginia
OFU-034	Virginia Electric Power Company	1	Portsmouth	Chesapeake, Virginia
OFU-035	Virginia Electric Power Company	2	Portsmouth	Chesapeake, Virginia
OFU-036	Virginia Electric Power Company	3	Portsmouth	Chesapeake, Virginia
OFU-037	Virginia Electric Power Company	4	Portsmouth	Chesapeake, Virginia
OFU-038	Baltimore Gas and Electric Company	1	Crane	Baltimore, Maryland
OFU-039	Baltimore Gas and Electric Company	2	Crane	Baltimore, Maryland
OFU-040	Baltimore Gas and Electric Company	4	Riverside	Baltimore, Maryland
OFU-041	Baltimore Gas and Electric Company	5	Riverside	Baltimore, Maryland
OFU-042	Baltimore Gas and Electric Company	1	Wagner	Baltimore, Maryland



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-043	Baltimore Gas and Electric Company	2	Wagner	Baltimore, Maryland
OFU-044	Delmarva Power and Light Company	1	Edge Moor	Wilmington, Delaware
OFU-045	Delmarva Power and Light Company	2	Edge Moor	Wilmington, Delaware
OFU-046	Delmarva Power and Light Company	3	Edge Moor	Wilmington, Delaware
OFU-047	Delmarva Power and Light Company	4	Edge Moor	Wilmington, Delaware
OFU-048	Wisconsin Public Service Corporation	2	Weston	Rothchild, Wisconsin
OFU-049	Detroit Edison Company	5	St. Clair	E. China Township, Michigan
OFU-050	Public Service Com- pany of New Hampshire	4	Schiller	Portsmouth, New Hampshire
OFU-051	Public Service Com- pany of New Hampshire	5	Schiller	Portsmouth, New Hampshire
OFU-052	Atlantic City Electric Company	1	B.L. England	Beesleys Point, New Jersey
OFU-053	Atlantic City Electric Company	2	B.L. England	Beesleys Point, New Jersey
OFU-054	Central Hudson Gas & Electric Corp.	3	Danskammer	Roseton, New York
OFU-055	Central Hudson Gas & Electric Corp.	4	Danskammer	Roseton, New York
OFU-056	Niagara Mohawk Power Company	1	Albany	Bethlehem, New York
OFU-057	Niagara Mohawk Power Company	2	Albany	Bethlehem, New York
OFU-058	Niagara Mohawk Power Company	3	Albany	Bethlehem, New York



<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-059	Niagara Mohawk Power Company	4	Albany	Bethlehem, New York
OFU-060	Alabama Electric Cooperative Inc.	3	McWilliams	Gantt, Alabama
OFU-061	Carolina Power & Light Company	1	Sutton	Wilmington, N. C.
OFU-062	Carolina Power & Light Company	2	Sutton	Wilmington, N. C.
OFU-063	Carolina Power & Light Company	3	Sutton	Wilmington, N. C.
OFU-064	Florida Power Corporation	1	Crystal River	Red Level, Florida
OFU-065	Florida Power Corporation	2	Crystal River	Red Level, Florida
OFU-066	Georgia Power Comp.	1	McManus	Brunswick, GA.
OFU-067	Georgia Power Comp.	2	McManus	Brunswick, GA.
OFU-068	Savannah Electric & Power Company	1	Port Went- worth	Port Wentworth Georgia
OFU-069	Savannah Electric & Power Company	2	Port Went- worth	Port Wentworth Georgia
OFU-070	Savannah Electric & Power Company	3	Port Went- worth	Port Wentworth Georgia
OFU-071	Village of Winnetka	5	Winnetka	Winnetka, Ill.
OFU-072	Village of Winnetka	6	Winnetka	Winnetka, Ill.
OFU-073	Village of Winnetka	7	Winnetka	Winnetka, Ill.
OFU-074	Village of Winnetka	8	Winnetka	Winnetka, Ill.



By Notices of Intent heretofore published in the Federal Register, FEA indicated its intention to issue prohibition orders to all of the above-listed powerplants. Public hearings were held, collectively covering all of the proposed orders, and all comments submitted at these hearings and all other written statements received by FEA within the applicable comment period were considered by FEA prior to issuance of these orders.

These orders will prohibit the powerplants listed above from burning natural gas or petroleum products as their primary energy source. These orders will not become effective, however, (1) until either, (a) the Administrator of the Environmental Protection Agency ("EPA") notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119 of that Act, or (b) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant will be able to comply with all applicable air pollution requirements of section 119 of that Act; and (2) until FEA has considered the environmental impact of such order pursuant to 10 C.F.R. 305.9 and has served the affected powerplant a Notice of Effectiveness, as provided in 10 C.F.R. 303.10(b) and 303.37(b). The prohibitions in the order will be effective on the date stated in the Notice of Effectiveness.



The Notice of Effectiveness will contain a compliance schedule to insure that the powerplant will be able to comply with the prohibitions on the burning of natural gas and petroleum products as a primary energy source by the date stated in the Notice of Effectiveness. The prohibitions shall not be effective prior to the date, as determined by EPA, by which the powerplant can burn coal and be in compliance with the applicable air pollution requirements.

All of the above listed powerplants have been served prohibition orders by mail. In addition, copies of all of these prohibition orders will be on display for any interested members of the public at the FEA public docket room located in Room B-210, 2000 M Street, N.W., Washington, D.C., from 1-5 p.m., Monday-Friday. Copies will also be on display in the appropriate FEA regional office.

#### Construction Orders

The FEA hereby gives further notice that on June 30, 1975 it issued construction orders, pursuant to the authorities granted to it by Section 2 of ESECA and in accordance with 10 C.F.R., Parts 303 and 307, to the following powerplants in the early planning process:

<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-001-N	Alabama Power Company	#2	J. H. Miller	W. Jefferson, Alabama
OFU-002-N	Alabama Power Company	3	J. H. Miller	W. Jefferson, Alabama
OFU-003-N	Alabama Power Company	-	1981 Unnamed	Unknown
OFU-004-N	Alabama Power Company	-	1972 Unnamed	Unknown
OFU-005-N	Alabama Power Company	-	1983 Unnamed	Unknown



<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-006-N	Board of Water & Light Trustees City of Muscatine, Iowa	9	1983 Unnamed	Unknown
OFU-007-N	City of Lakeland, Florida	3	City of Lakeland	Lakeland, Florida
OFU-008-N	City of Lakeland, Floria	4	City of Lakeland	Lakeland, Florida
OFU-009-N	City of Painesville, Ohio		Painesville Municipal	Painesville, Ohio
OFU-010-N	Commonwealth Edison Company	-	Undesignated 1982	Unknown
OFU-011-N	Commonwealth Edison Company	-	Undesignated 1983	Unknown
OFU-012-N	Commonwealth Edison Company	1	Undesignated 1984	Unknown
OFU-013-N	Commonwealth Edison Company	2	Undesignated 1984	Unknown
OFU-014-N	Commonwealth Edison Company	-	Undesignated, 1985	Unknown
OFU-015-N	Golden Valley Electric Associa- tion, Inc.	2	Healy	Healy, Alaska
OFU-016-N	Louisville Gas & Electric Company	1	Trimble	Trimble County, Kentucky
OFU-017-N	Louisville Gas & Electric Company	2	Trimble	Trimble County, Kentucky
OFU-018-N	Louisville Gas & Electric Company	3	Trimble	Trimble County, Kentucky
OFU-019-N	Marquette Board of Power & Light	3	Shires	Marquette, Michigan



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-020-N	Niagara Mohawk Power Corporation	1	Lake Erie	near Dunkirk, New York
OFU-021-N	Niagara Mohawk Power Corporation	2	Lake Erie	near Dunkirk, New York
OFU-022-N	Oklahoma Gas & Electric Company	1	Unknown	Unknown
OFU-023-N	Oklahoma Gas & Electric Company	2	Unknown	Unknown
OFU-024-N	Oklahoma Gas & Electric Company	3	Unknown	Unknown
OFU-025-N	Public Service Co. of Colorado	1	Southern	Eastern Colorado
OFU-026-N	Public Service Co. of Colorado	2	Northeastern	Eastern Colorado
OFU-027-N	Southwestern Electric Power Company	2	Welsh	Cason, Texas.
OFU-028-N	Southwestern Electric Power Company	3	Welsh	Cason, Texas.
OFU-029-N	The Cincinnati Gas & Electric Company	2	East Bend	Boone County, Kentucky
OFU-030-N	The Empire Dis- trict Electric Company	-	Plant X	Unknown
OFU-031-N	Carolina Power & Light Company	1	Mayo	Person County, North Carolina
OFU-032-N	Carolina Power & Light Company	2	Mayo	Person County, North Carolina
OFU-033-N	Central Illinois Public Service Company	2	Newton	Jasper County, Illinois
OFU-034-N	Central Power & Light Company	1	Coletto Creek	Goliad County, Texas



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-035-N	Dairyland Power Cooperative	6	Alma	Alma, Wisc.
OFU-036-N	Iowa Southern Utilities	1	Ottumwa	Chillicothe, Iowa
OFU-037-N	Kansas City Power & Light	1	Iatan	Iatan, Mo.
OFU-038-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	1	Harry Allen	Las Vegas, Nevada
OFU-039-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	2	Harry Allen	Las Vegas, Nevada
OFU-040-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	3	Harry Allen	Las Vegas, Nevada
OFU-041-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	4	Harry Allen	Las Vegas, Nevada
OFU-042-N	Los Angeles Dept. of Water & Power; Nevada Power Co.; and City of St. George	1	Warner Valley	Washington County, Utah
OFU-043-N	Los Angeles Dept. of Water and Power; Nevada Power Co.; and City of St. George	2	Warner Valley	Washington County, Utah
OFU-044-N	Louisville Gas & Electric Company	4	Mill Creek	Louisville, Kentucky
OFU-045-N	Montana-Dakota Utilities Company	1	Coyote Station	Beulah, N. D.
OFU-046-N	Montana Power Co.	3	Colstip	Colstip, Mont.
OFU-047-N	Montana Power Co.	4	Colstip	Colstip, Mont.
OFU-048-N	Oklahoma Gas & Electric Company	1	Sooner	Moble County, Oklahoma



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-049-N	Oklahomas Gas & Electric Company	2	Sooner	Noble County, Oklahoma
OFU-050-N	Portland General Electric Company	-	Boardman	Boardman, Ore.
OFU-051-N	Public Service Co. of Colorado	1	Northeastern	Eastern, Colorado
OFU-052-N	Public Service Co. of Oklahoma	3	Northeastern	Oologah, Oklahoma
OFU-053-N	Public Service Co. of Oklahoma	4	Northeastern	Oologah, Oklahoma
OFU-054-N	Public Service Co. of New Mexico; and Tucson Gas & Electric Company	3	San Juan	Waterflow, New Mexico
OFU-055-N	Public Service Co. of New Mexico; and Tucson Gas and Electric Company	4	San Juan	Waterflow, New Mexico
OFU-056-N	Sierra Pacific Power Company	1	Unnamed	Numboldt County, Nev.
OFU-057-N	Sierra Pacific Power Company	2	Unnamed	Numboldt County, Nev.
OFU-058-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	1	Kaiparowits	Nipple Beach, Utah
OFU-059-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	2	Kaiparowits	Nipple Beach, Utah
OFU-060-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	4	Kaiparowits	Nipple Beach, Utah



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<u>Docket No.</u>	<u>Owner</u>	<u>Powerplant Number</u>	<u>Generating Station</u>	<u>Location</u>
OFU-061-N	Southern Illinois Power Cooperative	4	Southern Illinois	Marion, Ill.
OFU-062-N	Sothorn Indiana Gas & Electric Co.	1	A.B. Brown	West Franklin, Indiana
OFU-063-N	Southern Electric Power Company	1	Flint Creek	Gentry, Ark.
OFU-064-N	The Cincinnati Gas & Electric Company	1	East Bend	Boone County, Kentucky
OFU-065-N	The Dayton Power & Light Company; and The Cincinnati Gas & Electric Company	1	Killen	Adams County, Ohio
OFU-066-N	The Dayton Power & Light Company; and The Cincinnati Gas and Electric Company	2	Killen	Adams County, Ohio
OFU-067-N	The Detroit Edison Company	1	Belle River	China Township, Michigan
OFU-068-N	The Detroit Edison Company	2	Belle River	China Township, Michigan
OFU_069-N	The Kansas Power & Light Company	2	Jeffrey Energy Center	St. Marys, Kansas
OFU-070-N	The Kansas Power & Light Company	3	Jeffrey Energy Center	St. Marys, Kansas
OFU-071-N	The Kansas Power & Light Company	4	Jeffrey Energy Center	St. Marys, Kansas
OFU-072-N	Wisconsin Electric Power Company	1	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-073-N	Wisconsin Electric Power Company	2	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-074-N	Wisconsin Public Service Corporation	3	Weston	Weston, Wis.



By Notices of Intent heretofore published in the Federal Register, FEA gave notice of its intention to issue construction orders to all of the above-listed powerplants in the early planning process. A public written comment period which covered all of the proposed orders was held. No comments were received by FEA during this period.

These orders will require the powerplants in the early planning process listed above to be designed and constructed to be capable of using coal as their primary energy source. These construction orders will not become effective, however, until FEA has considered the environmental impact of such orders pursuant to §307.7 of the FEA regulations that implement Section 2 of ESECA and has served the affected powerplant in the early planning process with a Notice of Effectiveness, as provided in §§303.10(b) and 303.47(b) of those regulations. §307.7 requires that subsequent to the issuance of a construction order to a powerplant in the early planning process, but prior to the issuance of a Notice of Effectiveness to any such powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.


All of the above listed powerplants in the early planning process have been served construction orders by mail. In addition, copies of all of these construction orders will be on display for any interested



members of the public at the FEA public docket room located in Room B-210, 2000 M Street, N. W., Washington, D. C., from 1-5 p.m. Monday-Friday. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Judith M. Liersch, Director, Office of Fuel Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, Washington, D. C. 20461, (202) 961-7941.

Issued in Washington, D. C., July 1, 1975.



David G. Wilson  
Acting General Counsel  
Federal Energy Administration











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